

## **Historic, Archive Document**

Do not assume content reflects current scientific knowledge, policies, or practices.



LEGISLATIVE HISTORY

Public Law 478--81st Congress

Chapter 97--2d Session

H. R. 5839

TABLE OF CONTENTS

Digest of Public Law 478 . . . . .	1
Index and Summary of History on H. R. 5839 . . . . .	2





FOREST SERVICE FISCAL OMNIBUS ACT. Simplifies and facilitates administration of certain Forest Service activities by clarifying the intent of existing statutes and effecting relatively minor extensions of certain other existing authorities. Authorizes the appropriation for range improvements on national forest lands of an amount equal to 2¢ per animal month for sheep and goats grazed and 10¢ per animal month for other kinds of livestock. Provides for the constitution and election of local advisory boards of not less than 3 nor more than 12 members for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees so petition the Secretary of Agriculture. Authorizes the Secretary in regulating grazing on the national forest to issue grazing permits for periods not exceeding ten years and renewals thereof.

#### HISTORICAL BACKGROUND

In the 80th Congress Rep. Hope introduced H. R. 2028, a bill to facilitate and simplify the work of the Forest Service, which had been proposed by this Department. The bill was reported with amendments, House Report 2229; passed the House with amendments and was referred to the Senate Committee on Agriculture and Forestry. It was never reported out of that Committee. House hearings were held on the bill February 18, 1948.



- February 24, 1949 H. R. 2968 was introduced by Rep. Granger and referred to the House Committee on Agriculture. Print of the bill as introduced. (Similar bill).
- March 4, 1949 S. 1183 was introduced by Senator Ecton and was referred to the Senate Committee on Agriculture and Forestry. Print of the bill as introduced. (Similar bill).
- July 1, 1949 Hearings: House, H. R. 2968 and H. R. 2419.
- August 1, 1949 H. R. 5839 was introduced by Rep. Granger and was referred to the House Committee on Agriculture. Print of the bill as introduced.
- August 4, 1949 House Committee reported H. R. 5839 without amendment. House Report 1189. Print of the bill as reported.
- August 8, 1949 S. 2398 was introduced by Senator Thye and was referred to the Senate Committee on Agriculture and Forestry. Print of the bill as introduced. (Companion bill).
- August 15, 1949 House debated and passed H. R. 5839 as reported.
- August 16, 1949 Print of H. R. 5839 as referred to the Senate Committee on Agriculture and Forestry.
- September 13, 1949 Senate Committee reported H. R. 5839 without amendment. House Report 1069. Print of the bill as reported.
- September 27, 1949 H. R. 5839 was passed over in the Senate.
- October 6, 1949 Print of an amendment by Senator Thye on H. R. 5839. Remarks of Senator Thye.
- October 17, 1949 H. R. 5839 was passed over in the Senate.
- January 31, 1950 Prints of amendments proposed by Senator O'Mahoney to H. R. 5839.
- February 1, 1950 H. R. 5839 was passed over in the Senate, on objection.
- February 14, 1950 Senate debated and passed H. R. 5839 with amendments. The following amendments were agreed to:
- By Senator O'Mahoney to provide for the establishment of local advisory boards comprised of not less than 3 nor more than 12 grazing permittees for each national forest or administrative subdivision when requested by a majority of the grazing permittees p. 1834.
- By Senator O'Mahoney to authorize USDA to issue grazing permits for 10 years and renewals thereof p. 1834.
- By Senator O'Mahoney to provide that of the grazing fees collected in each national forest, 2 cents per animal month for sheep and 10 cents per animal month for other kinds of livestock, when appropriated by Congress, shall be available for range improvements in such forest p. 1834.



February 14, 1950 Senate Confercees appointed.

February 23, 1950 House Confercees appointed.

March 29, 1950 House received the Conference Report. House Report 1859.

April 3, 1950 House agreed to the Conference Report.

April 13, 1950 Senate agreed to the Conference Report.

April 24, 1950 Approved. Public Law 478.









81ST CONGRESS  
1ST SESSION

# H. R. 2968

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 24, 1949

Mr. GRANGER introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To facilitate and simplify the work of the Forest Service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*  
3   That, notwithstanding the provisions of existing law and  
4   without regard to section 355, Revised Statutes, as amended  
5   (40 U. S. C. 255), but within the limitations of cost other-  
6   wise applicable, appropriations of the Forest Service may be  
7   expended for the erection of buildings, lookout towers, and  
8   other structures on land owned by States, counties, munici-  
9   palities, or other political subdivisions, corporations, or in-  
10   dividuals: *Provided*, That prior to such erection there is  
11   obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4 SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19 SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-

1 plishment of the work for which designed or (b) in the  
2 designing or developing of new equipment: *Provided*, That  
3 not to exceed \$50,000 may be expended in any one fiscal  
4 year pursuant to this authority and not to exceed \$10,000  
5 on any one item or purchase.

6 SEC. 4. That section 205 of the Department of Agri-  
7 culture Organic Act of 1944, approved September 21, 1944  
8 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
9 read as follows:

10 "SEC. 205. The Forest Service by contract or other-  
11 wise may provide for procurement and operation of aerial  
12 facilities and services for the protection and management  
13 of the national forests, with authority to renew any con-  
14 tract for such purpose annually, not more than twice, with-  
15 out additional advertising."

16 SEC. 5. That section 1 of the Act of March 3, 1925  
17 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
18 to read as follows:

19 "SEC. 1. (a) The Forest Service is authorized, where  
20 the public interest justifies, to cooperate with or assist public  
21 and private agencies, organizations, institutions, and persons  
22 in performing work on land in State, county, municipal, or  
23 private ownership, situated within or near a national forest,  
24 for which the administering agency, owner, or other inter-

1   ested party deposits in one or more payments a sufficient  
2   sum to cover the total estimated cost or the depositor's  
3   share thereof, for administration, protection, improvement,  
4   reforestation, and such other kinds of work as the Forest  
5   Service is authorized to do on lands of the United States:  
6   *Provided*, That the United States shall not be liable to the  
7   depositor or landowner for any damage incident to the per-  
8   formance of such work.

9           (b) Cooperation and assistance on the same basis as  
10   that authorized in subsection (a) is authorized also in the  
11   performance of any such kinds of work in connection with  
12   the occupancy or use of the national forests or other lands  
13   administered by the Forest Service.

14           (c) Moneys deposited under this section shall be cov-  
15   ered into the Treasury and shall constitute a special fund,  
16   which is hereby made available until expended for payment  
17   of the cost of work performed by the Forest Service and  
18   for refunds to depositors of amounts deposited by them in  
19   excess of their share of said cost: *Provided*, That when  
20   deposits are received for a number of similar types of work  
21   on adjacent or overlapping areas, or on areas which in the  
22   aggregate are determined to cover a single work unit, they  
23   may be expended on such combined areas for the purposes  
24   for which deposited, in which event refunds to the depositors  
25   of the total amount of the excess deposits involved will be



1 made on a proportionate basis: *Provided further*, That  
2 when so provided by written agreement payment for work  
3 undertaken pursuant to this section may be made from any  
4 Forest Service appropriation available for similar types of  
5 work, and reimbursement received from said agencies, organ-  
6 izations, institutions, or persons covering their proportionate  
7 share of the cost shall be deposited to the credit of the Forest  
8 Service appropriation from which initially paid or to appro-  
9 priations for similar purposes currently available at the time  
10 of deposit: *Provided further*, That when by the terms of  
11 a written agreement either party thereto furnishes materials,  
12 supplies, equipment, or services for fire emergencies in excess  
13 of its proportionate share, adjustment may be made by re-  
14 imbursement or by replacement in kind of supplies, materials,  
15 and equipment consumed or destroyed in excess of the  
16 furnishing party's proportionate share.

17 SEC. 6. That so much of the Act of August 11, 1916  
18 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
19 hereafter deposits may be received from timber purchasers  
20 in such sums as the Secretary of Agriculture may require to  
21 cover the cost to the United States of disposing of brush and  
22 other debris resulting from cutting operations in sales of  
23 national-forest timber; such deposits shall be covered into the  
24 Treasury and shall constitute a special fund, which is hereby  
25 appropriated and made available until expended, as the Sec-

1   retary of Agriculture may direct, to pay the cost of such work  
2   and to make refunds to the depositors of amounts deposited by  
3   them in excess of such cost.”, is hereby amended to read as  
4   follows: “Purchasers of national-forest timber may be re-  
5   quired to deposit the estimated cost to the United States of  
6   disposing of brush and other debris resulting from their cut-  
7   ting operations, such deposits to be covered into the Treasury  
8   and constitute a special fund, which is hereby appropriated  
9   and shall remain available until expended: *Provided*, That  
10   any deposits in excess of the amount expended for disposals  
11   shall be transferred to miscellaneous receipts, forest-reserve  
12   fund, to be credited to the receipts of the year in which  
13   such transfer is made.”

14       SEC. 7. The Secretary of Agriculture, under such regu-  
15   lations as he may prescribe and at rates and for periods not  
16   exceeding thirty years as determined by him, is hereby  
17   authorized to permit the use by public and private agencies,  
18   corporations, firms, associations, or individuals, of struc-  
19   tures or improvements under the administrative control of  
20   the Forest Service and land used in connection therewith:  
21   *Provided*, That as all or a part of the consideration for per-  
22   mits issued under this section, the Secretary may require  
23   the permittees at their expense to recondition and maintain  
24   the structures and land to a satisfactory standard.

25       SEC. 8. The Secretary of Agriculture is authorized to

1 furnish persons attending Forest Service demonstrations, and  
2 users of national forest resources and recreational facilities,  
3 with meals, lodging, bedding, fuel, and other services, where  
4 such facilities are not otherwise available, at rates approxi-  
5 mating but not less than the actual or estimated cost thereof  
6 and to deposit all moneys received therefor to the credit of  
7 the appropriation from which the cost thereof is paid, or a  
8 similar appropriation current at the time the moneys are  
9 received: *Provided*, That such receipts obtained in excess  
10 of \$10,000 in any one fiscal year shall be deposited in the  
11 Treasury as miscellaneous receipts.

12 SEC. 9. The Secretary of Agriculture is authorized, sub-  
13 ject to such conditions as he may prescribe, to sell forest-tree  
14 seed and nursery stock to States and political subdivisions  
15 thereof and to public agencies of other countries, at rates not  
16 less than the actual or estimated cost to the United States  
17 of procuring or producing such seed or nursery stock, moneys  
18 received from the sale thereof to be credited to the appro-  
19 priation or appropriations of the Forest Service currently  
20 available for the procurement or production of seed or nursery  
21 stock at the time such moneys are deposited: *Provided*, That  
22 the Secretary of Agriculture may exchange with such public  
23 agencies forest-tree seed and nursery stock for forest-tree seed  
24 or nursery stock of the same or different species upon a  
25 determination that such exchange is in the interest of the

1 United States and that the value of the property given in  
2 exchange does not exceed the value of the property received:  
3 *Provided further*, That no nursery stock shall be sold or  
4 exchanged under this section as ornamental or other stock  
5 for landscape planting of the types commonly grown by  
6 established commercial nurserymen.

7 SEC. 10. Notwithstanding the provisions of section 7  
8 of the Act of August 23, 1912, as amended (31 U. S. C.  
9 679), appropriations for the protection and management of  
10 the national forests shall be available to pay for telephone  
11 service installed in residences of seasonal employees and  
12 of persons cooperating with the Forest Service who reside  
13 within or near the national forests when such installation  
14 is needed in protecting the national forests: *Provided*, That  
15 in addition to the monthly local service charge the Govern-  
16 ment may pay only such tolls or other charges as are  
17 required strictly for the public business.

18 SEC. 11. Whenever such action is deemed to be in the  
19 public interest, the Forest Service is authorized to pay from  
20 any appropriation available for the protection and manage-  
21 ment of the national forests all or any part of the cost of  
22 leasing, seeding, and protective fencing of public range land  
23 other than national forest land and privately owned land  
24 intermingled with or adjacent to national forest or other  
25 land administered by the Forest Service, if the use of the



1 land to be seeded is controlled by the Forest Service under  
2 a lease or agreement which in the judgment of the Chief  
3 of the Forest Service gives the Forest Service control over  
4 the land for a sufficient period to justify such expenditures:  
5 *Provided*, That payment may not be made under authority  
6 of this section for the seeding of more than one thousand  
7 acres in any one private ownership: *Provided further*, That  
8 payment may not be made under authority of this section  
9 for the seeding of more than twenty-five thousand acres  
10 in any one fiscal year: *Provided further*, That the period  
11 of any lease under this authority may not exceed twenty  
12 years.

13 "SEC. 12. The Secretary of Agriculture, when in his  
14 judgment such action will be in the public interest, and under  
15 such regulations as he may prescribe, may require any graz-  
16 ing permittee of a national forest to make deposits of money,  
17 in addition to payments for the use of the range, to cover  
18 the cost to the United States of (1) artificial revegetation,  
19 including the collection or purchase of necessary seed; (2)  
20 construction and maintenance of drift or division fences and  
21 stock-watering places, bridges, corrals, driveways, or other  
22 necessary range improvements; (3) control of range-destroy-  
23 ing rodents; or (4) eradication of poisonous plants and nox-  
24 ious weeds, on such national forest in order to protect or  
25 improve the future productivity of the range: *Provided*, That

1 such deposits shall constitute a special fund, without fiscal  
2 year limitation, to be available to cover the cost to the United  
3 States of such artificial revegetation, construction, and main-  
4 tenance of range improvements, control of rodents, and erad-  
5 ication of poisonous or noxious plants: *Provided further,*  
6 That whenever the Secretary of Agriculture determines that  
7 any portion of any deposit is in excess of the cost of doing  
8 said work, such excess shall be transferred to miscellaneous  
9 receipts, forest reserve fund, as a national-forest receipt of  
10 the fiscal year in which such transfer is made.

11 SEC. 13. Appropriations of the Forest Service avail-  
12 able for fire protection on the national forests or for coopera-  
13 tion with State and other agencies in fire protection may be  
14 expended for the procurement of printed material needed to  
15 conduct campaigns for the prevention of forest fires: *Pro-*  
16 *vided,* That not to exceed \$50,000 of the appropriation for  
17 "National Forest protection and management", and not to  
18 exceed \$50,000 of the appropriation for "Forest fire coopera-  
19 tion" may be transferred in any one fiscal year to the appro-  
20 priation "Printing and binding, Department of Agriculture",  
21 for such purposes.

22 SEC. 14. That section 5 of the Act of March 3, 1925  
23 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
24 read as follows:

25 "Where no suitable Government land is available for

1 national forest headquarters, ranger stations, dwellings, or  
2 for other sites required for the effective conduct of the author-  
3 ized activities of the Forest Service, the Secretary of Agri-  
4 culture is hereby authorized to purchase such lands out of  
5 the appropriation applicable to the purpose for which the  
6 land is to be used, and to accept donations of land for any  
7 national forest or experimental purpose: *Provided*, That such  
8 lands may be acquired subject to such reservations and  
9 outstanding interests as the Secretary determines will not  
10 interfere with the purpose for which acquired: *Provided*  
11 *further*, That not to exceed \$25,000 may be expended in  
12 any one fiscal year pursuant to this authority."

13 SEC. 15. There are hereby authorized to be appro-  
14 priated—

15 (a) such sums as may be necessary for the acquisi-  
16 tion of parcels of land and interests in land in Sanders  
17 County, Montana, needed by the Forest Service to  
18 provide winter range for its saddle, pack, and draft  
19 animals;

20 (b) not to exceed \$50,000 for the acquisition of  
21 additional land adjacent to the present site of the Forest  
22 Products Laboratory at Madison, Wisconsin; and

23 (c) not to exceed \$25,000 for the acquisition of one  
24 helicopter landing site in southern California.

25 Land acquired under this section may be subject to such

1 reservations and outstanding interests as the Secretary of  
2 Agriculture determines will not interfere with the purpose  
3 for which acquired.

4 SEC. 16. That section 6 of the Act of March 3, 1925  
5 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
6 substituting a colon for the period at the end thereof and  
7 adding the following: "*Provided*, That when a transient  
8 without permanent residence, or any other person while  
9 away from his place of residence, is temporarily employed  
10 by the Forest Service and while so employed becomes  
11 disabled because of injury or illness not attributable to official  
12 work, he may be provided hospitalization and other neces-  
13 sary medical care, subsistence, and lodging for a period of  
14 not to exceed fifteen days during such disability, the cost  
15 thereof to be payable from any funds available to the Forest  
16 Service applicable to the work for which such person is  
17 employed."

18 SEC. 17. Appropriations of the Forest Service charge-  
19 able with salaries and wages shall be available for pay-  
20 ment to temporary employees of the Forest Service for loss  
21 of time due to injury in official work at rates not in excess  
22 of those provided by the United States Employees' Compens-  
23 ation Act, as amended (5 U. S. C., 751 and the following),  
24 when the injured person is in need of immediate financial  
25 assistance to avoid hardship: *Provided*, That such payment

1 shall not be made for a period in excess of fifteen days and  
2 the United States Employees' Compensation Commission  
3 shall be notified promptly of the amount so paid, which  
4 amount shall be deducted from the amount, if any, other-  
5 wise payable by the United States Employees' Compensation  
6 Commission to the employee on account of the injury, the  
7 amount so deducted by the Commission to be paid to the  
8 Forest Service for deposit to the credit of the Forest Service  
9 appropriation from which the expenditure was made: *Pro-*  
10 *vided further*, That when any person assisting in the sup-  
11 pression of forest fires or in other emergency work under the  
12 direction of the Forest Service, without compensation from  
13 the United States, pursuant to the terms of a contract, agree-  
14 ment, or permit, is injured in such work, the Forest Service  
15 may furnish hospitalization and other medical care, subsist-  
16 ence, and lodging for a period of not to exceed fifteen days  
17 during such disability, the cost thereof to be payable from the  
18 appropriation applicable to the work upon which the injury  
19 occurred, except that this proviso shall not apply when such  
20 person is within the purview of a State or other compen-  
21 sation Act: *Provided further*, That determination by the  
22 Forest Service that payment is allowable under this section  
23 shall be final as to payments made hereunder, but such  
24 determination or payments with respect to employees shall  
25 not prevent the United States Employees' Compensation



1 Commission from denying further payments should the Com-  
2 mission determine that compensation is not properly allow-  
3 able under the provisions of the Employees' Compensation  
4 Act.

5 SEC. 18. (a) Section 2 of the Act of March 3, 1925  
6 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in  
7 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
8 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
9 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

10 (b) The second proviso in section 13 of the Act of  
11 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.



81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2968

## A BILL

To facilitate and simplify the work of the Forest Service, and for other purposes.

By Mr. GRANGER

FEBRUARY 24, 1949

Referred to the Committee on Agriculture







81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# S. 1183

---

## IN THE SENATE OF THE UNITED STATES

MARCH 4 (legislative day, FEBRUARY 21), 1949

Mr. ECTON introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

---

## A BILL

To facilitate and simplify the work of the Forest Service, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding the provisions of existing law and  
4       without regard to section 355, Revised Statutes, as amended  
5       (40 U. S. C. 255), but within the limitations of cost other-  
6       wise applicable, appropriations of the Forest Service may be  
7       expended for the erection of buildings, lookout towers, and  
8       other structures on land owned by States, counties, munici-  
9       palities, or other political subdivisions, corporations, or in-  
10      dividuals: *Provided*, That prior to such erection there is  
11      obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4 SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19 SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's

1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work



1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 ization, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by

1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national forest resources and recreational facilities,



1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefor to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the appro-  
17 priation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received:

1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5 SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16 SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 in addition to payments for the use of the range, to cover  
16 the cost to the United States of (1) artificial revegetation,  
17 including the collection or purchase of necessary seed; (2)  
18 construction and maintenance of drift or division fences and  
19 stock-watering places, bridges, corrals, driveways, or other  
20 necessary range improvements; (3) control of range-destroy-  
21 ing rodents; or (4) eradication of poisonous plants and nox-  
22 ious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal  
25 year limitation, to be available to cover the cost to the United



1 States of such artificial revegetation, construction, and main-  
2 tenance of range improvements, control of rodents, and erad-  
3 ication of poisonous or noxious plants: *Provided further*,  
4 That whenever the Secretary of Agriculture determines that  
5 any portion of any deposit is in excess of the cost of doing  
6 said work, such excess shall be transferred to miscellaneous  
7 receipts, forest reserve fund, as a national-forest receipt of  
8 the fiscal year in which such transfer is made.

9 SEC. 13. Appropriations of the Forest Service avail-  
10 able for fire protection on the national forests or for coopera-  
11 tion with State and other agencies in fire protection may be  
12 expended for the procurement of printed material needed to  
13 conduct campaigns for the prevention of forest fires: *Pro-*  
14 *vided*, That not to exceed \$50,000 of the appropriation for  
15 "National forest protection and management", and not to  
16 exceed \$50,000 of the appropriation for "Forest fire cooper-  
17 ation" may be transferred in any one fiscal year to the appro-  
18 priation "Printing and binding, Department of Agriculture",  
19 for such purposes.

20 SEC. 14. That section 5 of the Act of March 3, 1925  
21 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
22 read as follows:

23 "Where no suitable Government land is available for  
24 national forest headquarters, ranger stations, dwellings, or

1 for other sites required for the effective conduct of the au-  
2 thorized activities of the Forest Service, the Secretary of  
3 Agriculture is hereby authorized to purchase such lands out  
4 of the appropriation applicable to the purpose for which  
5 the land is to be used, and to accept donations of land for  
6 any national forest or experimental purpose: *Provided*,  
7 That such lands may be acquired subject to such reserva-  
8 tions and outstanding interests as the Secretary determines  
9 will not interfere with the purpose for which acquired: *Pro-*  
10 *vided further*, That not to exceed \$25,000 may be expended  
11 in any one fiscal year pursuant to this authority.”

12 SEC. 15. There are hereby authorized to be appro-  
13 priated—

14 (a) such sums as may be necessary for the ac-  
15 quisition of parcels of land and interests in land in  
16 Sanders County, Montana, needed by the Forest Serv-  
17 ice to provide winter range for its saddle, pack, and  
18 draft animals;

19 (b) not to exceed \$50,000 for the acquisition of  
20 additional land adjacent to the present site of the For-  
21 est Products Laboratory at Madison, Wisconsin; and

22 (c) not to exceed \$25,000 for the acquisition of  
23 one helicopter landing site in southern California.

24 Land acquired under this section may be subject to

1 such reservations and outstanding interests as the Secretary  
2 of Agriculture determines will not interfere with the pur-  
3 pose for which acquired.

4 SEC. 16. That section 6 of the Act of March 3, 1925  
5 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
6 substituting a colon for the period at the end thereof and  
7 adding the following: "*Provided*, That when a transient  
8 without permanent residence, or any other person while  
9 away from his place of residence, is temporarily employed  
10 by the Forest Service and while so employed becomes  
11 disabled because of injury or illness not attributable to offi-  
12 cial work, he may be provided hospitalization and other  
13 necessary medical care, subsistence, and lodging for a period  
14 of not to exceed fifteen days during such disability, the cost  
15 thereof to be payable from any funds available to the Forest  
16 Service applicable to the work for which such person is  
17 employed."

18 SEC. 17. Appropriations of the Forest Service charge-  
19 able with salaries and wages shall be available for pay-  
20 ment to temporary employees of the Forest Service for loss  
21 of time due to injury in official work at rates not in excess  
22 of those provided by the United States Employees' Compens-  
23 ation Act, as amended (5 U. S. C., 751 and the following),  
24 when the injured person is in need of immediate financial  
25 assistance to avoid hardship: *Provided*, That such payment



1 shall not be made for a period in excess of fifteen days and  
2 the United States Employees' Compensation Commission  
3 shall be notified promptly of the amount so paid, which  
4 amount shall be deducted from the amount, if any, other-  
5 wise payable by the United States Employees' Compensation  
6 Commission to the employee on account of the injury, the  
7 amount so deducted by the Commission to be paid to the  
8 Forest Service for deposit to the credit of the Forest Service  
9 appropriation from which the expenditure was made: *Pro-*  
10 *vided further*, That when any person assisting in the sup-  
11 pression of forest fires or in other emergency work under the  
12 direction of the Forest Service, without compensation from  
13 the United States, pursuant to the terms of a contract, agree-  
14 ment, or permit, is injured in such work, the Forest Service  
15 may furnish hospitalization and other medical care, subsist-  
16 ence, and lodging for a period of not to exceed fifteen days  
17 during such disability, the cost thereof to be payable from the  
18 appropriation applicable to the work upon which the injury  
19 occurred, except that this proviso shall not apply when such  
20 person is within the purview of a State or other compen-  
21 sation Act: *Provided further*, That determination by the  
22 Forest Service that payment is allowable under this section  
23 shall be final as to payments made hereunder, but such  
24 determination or payments with respect to employees shall  
25 not prevent the United States Employees' Compensation

1 Commission from denying further payments should the Com-  
2 mission determine that compensation is not properly allow-  
3 able under the provisions of the Employees' Compensation  
4 Act.

5 SEC. 18. (a) Section 2 of the Act of March 3, 1925  
6 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in  
7 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
8 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
9 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

10 (b) The second proviso in section 13 of the Act of  
11 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.



81ST CONGRESS  
1ST SESSION

S. 1183

---

## A BILL

---

To facilitate and simplify the work of the  
Forest Service, and for other purposes.

---

By Mr. ECTON

---

MARCH 4 (legislative day, FEBRUARY 21), 1949

Read twice and referred to the Committee on  
Agriculture and Forestry







**FACILITATE WORK OF FOREST SERVICE (H. R. 2968)  
DISPOSITION OF MONEYS RECEIVED FROM NATIONAL  
FORESTS (H. R. 2419)**

---

PLEASE RETURN TO USDA  
NATIONAL AGRICULTURAL LIBRARY  
LAW BRANCH, LEGISLATIVE REPORTING  
Rm. 117-E, Admin Bldg.  
Wash. D. C. Ext. 4654

**HEARINGS**

BEFORE

**SUBCOMMITTEE NO. 3 OF  
THE COMMITTEE ON AGRICULTURE  
HOUSE OF REPRESENTATIVES**

**EIGHTY-FIRST CONGRESS**

**FIRST SESSION**

ON

**H. R. 2968 and H. R. 2419**

**(Superseded by H. R. 5839)**

**JULY 1 AND AUGUST 3, 1949**

**Serial HH**

Printed for the use of the Committee on Agriculture



**UNITED STATES  
GOVERNMENT PRINTING OFFICE  
WASHINGTON : 1949**

## COMMITTEE ON AGRICULTURE

HAROLD D. COOLEY, North Carolina, *Chairman*

STEPHEN PACE, Georgia, *Vice Chairman*

W. R. POAGE, Texas  
GEORGE M. GRANT, Alabama  
WALTER K. GRANGER, Utah  
E. C. GATHINGS, Arkansas  
JOHN L. McMILLAN, South Carolina  
EUGENE WORLEY, Texas  
THOMAS G. ABERNETHY, Mississippi  
CARL ALBERT, Oklahoma  
WATKINS M. ABBITT, Virginia  
JAMES G. POLK, Ohio  
PAT SUTTON, Tennessee  
EUGENE D. O'SULLIVAN, Nebraska  
JOHN C. DAVIES, New York  
CECIL F. WHITE, California  
JAMES F. LIND, Pennsylvania  
CLIFFORD R. HOPE, Kansas

AUGUST H. ANDRESEN, Minnesota  
REID F. MURRAY, Wisconsin  
EDWIN A. HALL, New York  
WILLIAM S. HILL, Colorado  
CHARLES B. HOEVEN, Iowa  
SID SIMPSON, Illinois  
ERNEST K. BRAMBLETT, California  
PAUL B. DAGUE, Pennsylvania  
NORRIS COTTON, New Hampshire

### DELEGATES

E. L. BARTLETT, Alaska  
JOSEPH R. FARRINGTON, Hawaii

### RESIDENT COMMISSIONER

A. FERNÓS-ISERN, Puerto Rico

Mrs. MABEL C. DOWNEY, *Clerk*

Mrs. ALTAVENE CLARK, *Executive Officer*

JOSEPH O. PARKER, *Counsel*

JOHN J. HEIMBURGER, *Research Specialist*

---

## SUBCOMMITTEE NO. 3 OF THE COMMITTEE ON AGRICULTURE

WALTER K. GRANGER, Utah, *Chairman*

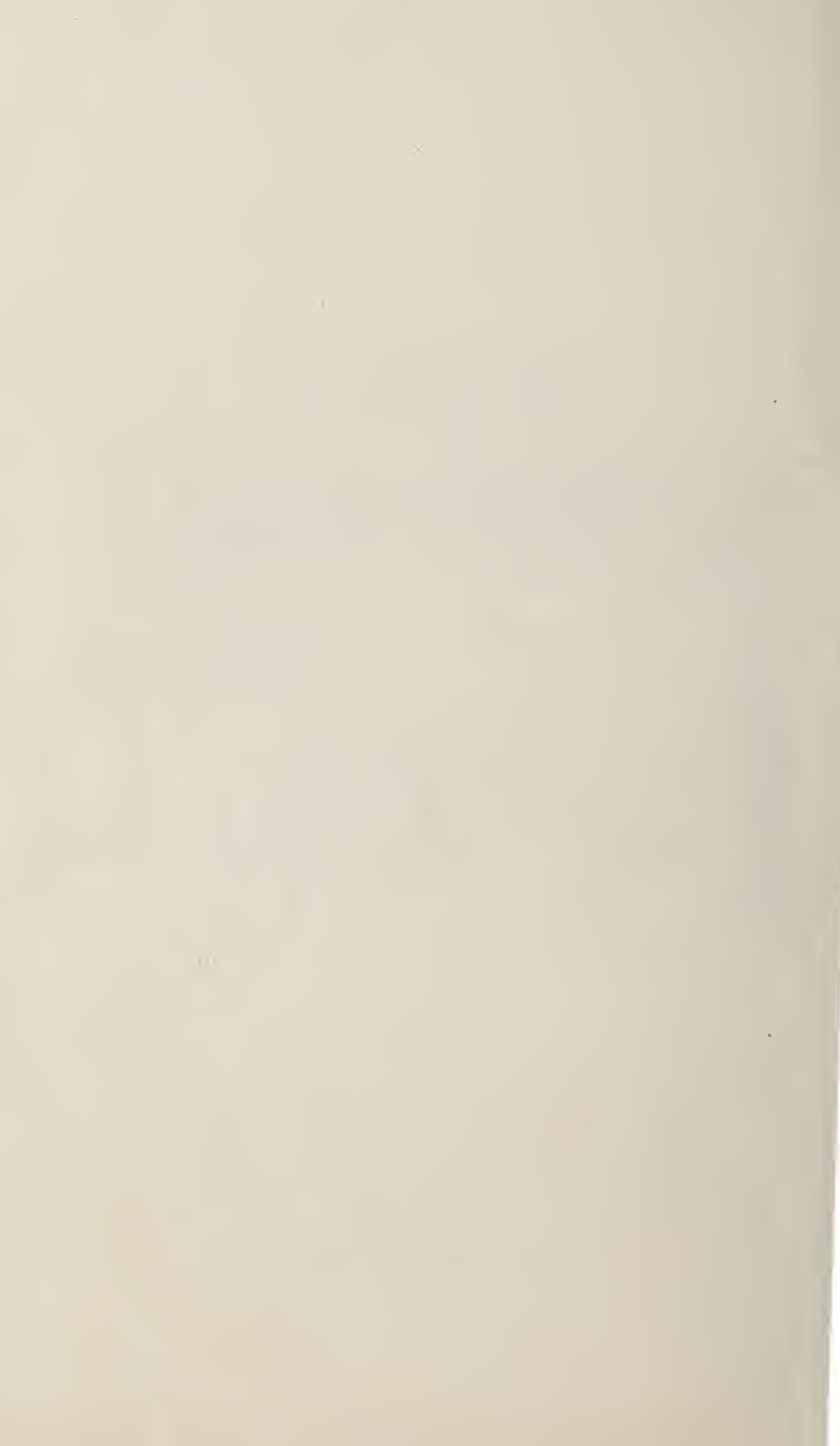
JOHN L. McMILLAN, South Carolina  
EUGENE WORLEY, Texas  
PAT SUTTON, Tennessee  
JAMES F. LIND, Pennsylvania

EDWIN A. HALL, New York  
SID SIMPSON, Illinois  
ERNEST K. BRAMBLETT, California

# CONTENTS

---

Facilitate work of Forest Service (July 1, 1949):	Page
Bodley, Ralph, administrative assistant to Senator Ecton.....	22
Loveridge, Assistant Chief, Administrative Management and Information Division, Forest Service (accompanied by William P. Kramer, Division of Operations; Walt L. Dutton, Division of Range Management; O. A. Zimmerli, Division of Fiscal Control; and Reynolds G. Florence, Office of the Solicitor).....	5
Wilson, John B., National Wool Growers Association.....	20
Text of H. R. 2968.....	1
Disposition of moneys received from national forests (August 3, 1949):	
Bosone, Hon. Reva Beck, Member of Congress from Utah.....	44
Jackson, Hon. Henry M., Member of Congress from Washington.....	42
Loveridge, Earl W., Assistant Chief, Forest Service, United States Department of Agriculture.....	46
Olson, C. J., assistant regional forester, Ogden, Utah.....	54
Shoemaker, Carl, National Wildlife Federation, Washington, D. C.....	58
Tackett, Hon. Boyd, Member of Congress from Arkansas.....	31
Text of H. R. 2419.....	31
Table: National forest receipts (preliminary) by States, 1949.....	57
Forest area growth, 1907-47, Ouachita National Forest.....	34
Recreation areas in Ouachita National Forest, Ark. and Okla.....	35
Status of recreational facilities, Ozark National Forest, and summary of cost to rehabilitate.....	35
Recreation facilities, Mount Magazine Ranger District, Mount Magazine.....	40
Letters from Paul H. Gerrard, forest supervisor, Ozark National Forest, Russellville, Ark.....	32



# FACILITATING WORK OF THE FOREST SERVICE (H. R. 2968)

FRIDAY, JULY 1, 1949

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE OF THE COMMITTEE ON AGRICULTURE,  
Washington, D. C.

Subcommittee No. 3 met at 10 a. m., Friday, July 1, 1949, Hon. Walter K. Granger (chairman) presiding.

Mr. GRANGER. The committee will be in order.

We will take up at this time H. R. 2968, a so-called omnibus bill, introduced by the chairman, to facilitate and simplify the work of the Forest Service, and for other purposes.

(H. R. 2968 follows:)

[H. R. 2968, 81st Cong., 1st sess.]

A BILL To facilitate and simplify the work of the Forest Service, and for other purposes

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended (40 U. S. C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

SEC. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U. S. C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500.," is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest."

SEC. 3. The provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

SEC. 4. That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to read as follows:

"Sec. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and manage-



ment of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

Sec. 5. That section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended to read as follows:

"Sec. 1. (a) The Forest Service is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost or the depositor's share thereof, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

Sec. 6. That so much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national-forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost.", is hereby amended to read as follows: "Purchasers of national-forest timber may be required to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made."

Sec. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

Sec. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar



appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

SEC. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed and nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

SEC. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests shall be available to pay for telephone service installed in residences of seasonal employees and of persons cooperating with the Forest Service who reside within or near the national forests when such installation is needed in protecting the national forests: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

SEC. 11. Whenever such action is deemed to be in the public interest, the Forest Service is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land other than national forest land and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

SEC. 12. The Secretary of Agriculture, when in his judgment such action will be in the public interest, and under such regulations as he may prescribe, may require any grazing permittee of a national forest to make deposits of money, in addition to payments for the use of the range, to cover the cost to the United States of (1) artificial revegetation including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, on such national forest in order to protect or improve the future productivity of the range: *Provided*, That such deposits shall constitute a special fund, without fiscal year limitation, to be available to cover the cost to the United States of such artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous or noxious plants: *Provided further*, That whenever the Secretary of Agriculture determines that any portion of any deposit is in excess of the cost of doing said work, such excess shall be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made.

SEC. 13. Appropriations of the Forest Service available for fire protection on the national forests or for cooperation with State and other agencies in fire protection may be expended for the procurement of printed material needed to conduct campaigns for the prevention of forest fires: *Provided*, That not to exceed \$50,000 of the appropriation for "National Forest protection and management", and not to exceed \$50,000 of the appropriation for "Forest fire cooperation", may be transferred in any one fiscal year to the appropriation "Printing and binding, Department of Agriculture", for such purposes.

Sec. 14. That section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority."

Sec. 15. There are hereby authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

Sec. 16. That section 6 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed."

Sec. 17. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U. S. C., 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation Act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

Sec. 18. (a) Section 2 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 571); the second proviso in section 1 of the Act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581); and section 1 of the Act of May 27, 1930 (46 Stat. 387; 16 U. S. C. 573), are hereby repealed.

(b) The second proviso in section 13 of the Act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

STATEMENTS OF EARL W. LOVERIDGE, ASSISTANT CHIEF, ADMINISTRATIVE MANAGEMENT AND INFORMATION DIVISION; WILLIAM P. KRAMER, DIVISION OF OPERATIONS; WALT L. DUTTON, DIVISION OF RANGE MANAGEMENT; O. A. ZIMMERLI, DIVISION OF FISCAL CONTROL, AND REYNOLDS G. FLORENCE, OFFICE OF THE SOLICITOR

Mr. GRANGER. This bill is similar, if not identical, to the bill that was considered last year; is it not?

Mr. LOVERIDGE. Yes.

Mr. GRANGER. It is an identical bill?

Mr. LOVERIDGE. Yes, with possibly one exception. Section 12 now in the bill was not in it when it was introduced originally. That point is covered by the report last year. It is now identical with the bill that was reported out by the committee. The change was put in the bill when the bill was considered.

Mr. GRANGER. As I understand it, the bill that we have now is identical with the original bill, which the committee had before it last year, and when it went to the House section 12 was stricken from it, and this is an identical bill to the bill we had last year; is that right? Is there anyone who can speak to that question?

Mr. FLORENCE. I believe, Mr. Chairman, this bill is identical to the bill reported out by the committee last year. The report had made some changes after the bill was introduced, to a slight degree. That is the distinction.

Mr. GRANGER. I will say to the committee that this bill was considered pretty carefully last year by the committee, and I think those hearings are available; are they not?

Mr. HEIMBURGER. Yes.

Mr. GRANGER. And there was a report from the Department, which I understand was concurred in by the Bureau of the Budget last year; is that right?

Mr. LOVERIDGE. Concurred in with the exception of section 12.

Mr. GRANGER. I would say it is practically identical.

Mr. HEIMBURGER. Section 12 was not in it?

Mr. KRAMER. It was inserted in the committee hearings.

Mr. GRANGER. As I understand when it was inserted I think it was stated in the record that the Bureau of the Budget had not approved it. I remember that, yes.

Mr. KRAMER. That is correct.

Mr. GRANGER. I suppose with that exception there has been no change?

Mr. LOVERIDGE. There has been no change, no.

Mr. HEIMBURGER. May I inquire, Mr. Loveridge, if you know whether the Bureau of the Budget has approved of any bill containing a section similar to section 12?

Mr. LOVERIDGE. None that I know of.

Mr. GRANGER. I want to say to the committee that I do not think it will be necessary to have any long hearings on this bill. We will ask someone from the Department to take it up section by section and explain to us what the bill proposes to do. Is there someone from the Department who can do that?



Mr. LOVERIDGE. Yes. I am E. W. Loveridge, Assistant Chief of the Forest Service, in charge of Administrative Management. Assistant Chief Granger, who handled this bill before the committee last year, is now on a foreign mission and I have been asked to take care of it for him.

As the chairman has pointed out, this bill was considered very carefully by the committee last year. The hearings dated February 18, 1948, give the testimony in considerable detail, and the report, Eightieth Congress, No. 2229, gives a statement with regard to each section, which is very clear and concise for anyone who cares to follow through on each of the sections.

If you wish, Mr. Chairman, I will comment briefly on each of the sections at this time.

Mr. GRANGER. I think it would be well to do that, Mr. Loveridge, for the benefit of the new members of the committee.

Mr. LOVERIDGE. This bill, in a very large measure seeks merely a clarification or enlargement in a minor degree of existing authority. That is the reason that it is designated a bill to facilitate and simplify the work of the Forest Service and for other purposes.

Most of these authorities have been used over long periods of years by the Forest Service, and in connection with which some questions have been raised as to the intent of the original enactment, or where some relatively small expansion of the original authority would further facilitate the accomplishment of well-established purposes in the work of the Forest Service.

Section one has for its purpose, authorizing us, in some cases, to construct permanent or semipermanent improvements on land not owned by the United States. For instance, we have a look-out tower at the highest point, and the best point may be a little section of 40 acres, may be, of privately owned land inside the National Forest and our desire is to put a look-out on top of the peak, but under a long-term lease on the land, so that the look-out can be removed, so the Government's interest will be very well protected in that respect.

With respect to section two. We are now collecting seed, particularly for reforestation purposes, and also for resowing our ranges. However, we are faced with the difficulty that we do not get a good seed crop year after year and when we do get one we may have to collect seed for several years' use. We try to interest local people far and wide in going out and bringing in the cones at the stated price per bushel or whatever unit of measurement is appropriate, from which we then extract the seed.

The nature of this work is such that we get the best results if we get a lot of people interested in it. It is not a job for contracting, particularly, because there are very few concerns which make a business of collecting forest-tree seed. Therefore our standing practice has been to advertise the fact that we want white-pine seed or some other kind of seed and that we will buy cones produced by anybody at a given price.

We are limited, of course, under present statutes, to \$500 open-market purchases, so if some individual is especially active and comes in with more than \$500 worth, then we were stuck and could not buy it from him.

We would like to have authority to continue with the present practice but with the ceiling lifted to \$10,000, so that we may buy from

any and all persons without the limitations imposed by having to advertise for bids.

Section 3 would relieve us from complying with——

Mr. GRANGER (interposing). Section 2 is only to raise the amount that you can spend for this purpose?

Mr. LOVERIDGE. Yes. For example, out West, the Indians quite often collect seeds which they bring to a collection point. However, we can take them only if the amount does not exceed \$500. But as I just indicated a moment ago, we believe many more of them would become active, bring in larger quantities of seed, if that \$500 ceiling were removed. It is the purpose of this bill to make it possible to purchase the seed in an orderly manner.

Mr. GRANGER. And as you stated, there are some years when you do not have a good seed crop, and other years when you do have a good seed crop, and you wish to purchase the seed when you can get it most advantageously.

Mr. LOVERIDGE. That is correct. We collect large quantities and keep them in storage until they are needed.

Mr. LIND. And what you propose to do is to raise the limit from \$500 up to how much?

Mr. LOVERIDGE. \$10,000. I can explain that in a little more detail if you wish. While I am from Pennsylvania, Mr. Lind, originally, I worked also in the West for almost 20 years, so the subject is very well known to me. Some of the large nurseries, for instance, are the Chittenden, in Michigan, and the Sabanac in Montana. The value of seed required for a year's production may run as high as \$3,000 for any one of these nurseries. Seeds may be bought in the locality and there may be bought in any one year enough for not to exceed a 3-year period. Consequently, the amount that may need to be spent in any one locality, in 1 year, may exceed \$3,000.

There are two big southern nurseries, the Ashe, in Mississippi, and the Stuart, in Louisiana. The production for only 1 year from each nursery, because it has a capacity to produce 30,000,000 seedlings yearly, would require some 5,000 bushels of cones, and at \$2 a bushel, would cost \$10,000. Those cones may be purchased at less cost if we shop around in different localities. And since it may be desirable or even necessary to have them purchased in sufficient quantities to provide for a 3 years' supply, it can be anticipated that the amount spent in one locality, for 1 year, for the purpose of seed, could amount to \$10,000.

The present limitation has resulted in failure on our part to obtain first, the best quality of seed, and sometimes, has resulted in prices much higher than could have been obtained were we permitted to go into the open market, where we could secure seed for reasonable prices, which would induce the Indians and others in the community to collect seed, or collect cones from which we get the seeds.

Similarly this section would assist us in the reseedling of depleted ranges, by making it possible to obtain more of the seed in local communities. It is difficult now to induce the local people to produce range grass seeds without an assured market for the crop. Under the present situation the purchases are limited to \$500.

A pending bill which the Senate has recently passed provides for reactivating and expanding the national forest timber and range

planting programs. The proposed authorization here is needed to enable the Forest Service to effectively carry on these programs.

The existing \$500 limitation for open-market purchases of nursery stock is adequate, and therefore no increase is proposed in that limitation.

Mr. GRANGER. Have the private producers of nursery stock and the seed people opposed this section?

Mr. LOVERIDGE. The nursery stock is taken care under the present limitation of \$500. We are not asking any change in that authority. With respect to the purchase of forest-tree seed from nurseries, there is no large production of them by nurseries.

Mr. GRANGER. By private people?

Mr. LOVERIDGE. By private people.

Mr. LIND. A great proportion of the seed you acquire with the \$500 you get from private people, and Indians, especially?

Mr. LOVERIDGE. Yes; from the Indians and other local people.

Mr. LIND. What effect will this proposed increase have?

Will it not mean that the large producers will get the bulk of the business instead of the Indians?

Mr. LOVERIDGE. No; it will be just the opposite, Mr. Lind. The Indians would be encouraged to bring in more than \$500 worth. As it is now, with the \$500 limitation, when they reach the limitation of the \$500 we are supposed to get competitive bids for quantities larger than \$500.

And Mr. Florence of the Solicitor's office, points out, as I should have pointed out, that the \$500 limitation applies not to a single purchase but to quantitative purchases in any one area. For example, the supply of seed needed in one nursery or on any range reseeding project may run as high as several million seed, and with the \$500 limitation it just does not meet the need.

Mr. GRANGER. Are there any further questions? If not, will you take up section 3?

Mr. LOVERIDGE. Section 3 would relieve us of complying with the provisions of section 3, 709 Revised Statutes, which requires advertising for bids for purchases of over \$100 in the case of experimental equipment or materials. And I want to underline the words "experimental equipment or materials," because this applies to requests of that type.

At places like our Forest Products Laboratory in Wisconsin, or in our engineering shops, where we wish to test certain commodities, such as logs from a particular locality, or particular species of tree, or where we wish to buy a certain manufactured piece of equipment, with a view to putting on our own modifications of it, to make planting machines or something of that nature, we have to have a specific commodity, wherever it is found, and whoever owns it, so we would like to be able to go out and just buy that at whatever is the going price without going through the motions of asking for competition when there is no competition, where it is impossible for more than one concern or one locality to furnish the article in question.

It is limited to experimental work, and after we perfect a machine—for instance, a tree-planting machine, or a special piece of fire equipment—so that we are ready to buy it in quantity lots, we then go through the regular procedure, draw up specifications, and ask for bids.



Mr. GRANGER. Are there any questions on section 3?

Mr. LOVERIDGE. Section 4 is an extension of present authority, which allows us to contract for the use of airplanes and the appurtenant facilities in connection with fire protection, and continue that contract or renew it twice more, without additional advertising. In other words, we could make a contract with some man to use his airplane for dropping supplies to fire fighters, or ferrying our men around to fires, or things of that nature, and then renew that contract for 2 succeeding years without additional advertising.

The purpose for that is to enable us to make use of, in some cases, especially designed or especially equipped airplane facilities, which are needed for our peculiar kind of work.

Mr. GRANGER. These people to whom you refer must have special equipment?

Mr. LOVERIDGE. They have to modify the equipment. For example, the plane that was in here the other day with our parachuting smoke jumpers on the Ellipse had to be modified; they had to provide a special door so that the smoke jumpers could jump out without being interfered with by the doors that were in the plane previously. And we wish to make a contract for 2 or 3 years so that the contractor can afford to modify the equipment in that manner.

Mr. GRANGER. The contract is for a year?

Mr. LOVERIDGE. A year; it has been.

Mr. GRANGER. Any questions on that section?

Mr. LOVERIDGE. Section 5 is in large measure a recapitulation of existing authorities with the primary purpose of clearing up some relatively minor points about the coverage of existing authority, and to rather simplify the cooperative procedure.

We have, at the present time, authority to enter into cooperative arrangements with other landowners or agencies to do certain specified types of work. For instance, we can enter into a cooperative agreement with a landowner for the protection and administration of his land, where it is situated in the national forest, or adjacent to it, and where it would be profitable to have his land covered by Government holdings for all practical purposes without title.

If we had a planting program going on, we could plant up this man's land along with ours and he would pay the cost.

If his land is tied up with ours we can extend our fire protection over his land and he pays the cost.

¶ There have been questions raised as to certain classes of work, as to whether they would be encompassed within the broad term of "re-forestation, administration, and protection," and they are on the perimeter of those things but they are not as broad as that.

For instance, without taking over the administration of a man's piece of timberland it might be desirable for us to make a deal with him whereby we would mark and scale his timber for him so it would be marked under good forest practices, and while we were there scaling our own timber we would scale his timber and he would pay the cost of it.

We have had inquiries from schools to remove snow from roads used by school busses, and they pay us the cost of our time and the use of our machinery. We doubt whether we have the authority at the present time to do it, and so on.

It is for clarification of minor points of that kind that we ask this authority.

Mr. GRANGER. Are there any questions on that section?

Mr. LOVERIDGE. Section 6 has for one of its principal purposes a slight modification of the existing authority, which is of long standing, which at present requires that after we collect money from the timber sale purchaser to dispose of the slash, any of the excess over the cost of doing the actual work has to be returned to him.

He is not entitled to that, because under our appraisal we allow a certain amount for the slash. We add up all the cost and the value of the end product and the difference is paid. If we allow 25 cents a thousand board feet for slash disposal and the operator pays that to us, and it proves to cost only 20 cents, the extra nickel should go to the Treasury because it has actually been taken out of the Government's timber. It is actually giving him something he does not own.

We are asking, therefore, that that point be cleared up.

Mr. GRANGER. Has there been any opposition to this proposal on the part of private industry?

Mr. LOVERIDGE. None whatsoever.

Mr. GRANGER. Are there any questions on that section? Do not hesitate to interrupt for questions at any time.

Mr. LOVERIDGE. Section 7: The principal purpose of section 7 is to provide that as part of the consideration for the use of publicly owned facilities, the permittee may be required to maintain those facilities to a satisfactory standard, or even to recondition them.

One situation where that would be particularly useful is in some of our southern forests, where in acquiring timberland we have picked up a lot of squatters, you might say, who were living on land owned by the man from whom we bought the timberland, on little patches of farm land intermixed with the larger timber holdings. They have been farming these patches and living in dilapidated structures with a well where the water from the yard may run down into the well and pollute it, where the roof may have several holes in it, and where the floor may be falling in.

Those fellows become automatically our tenants.

It is not feasible or desirable in most cases to dispossess them. It is a way of life which is not of the highest order but nevertheless they are there and they are there in considerable number.

Our policy has been to allow them to remain on the land under a permit and we tell them that they must hereafter plow around the contour instead of up and down when they plow the corn so they will not cause a land wash.

During the CCC days, we fixed up the houses for them, put a few extra shingles on the roof, and put a curb around the well and some screens, and so forth. It was very simple and cost \$100.

We do not have the CCC now, and in many cases the man himself would be willing to do those things which he could do largely by his own labor, for the privilege of using the Government structure rather than pay larger rental, because money is the "leastest" thing he has, so to speak.

Under the present rulings we are not allowed to do that, because it is a diversion of receipts.

The point is that we wish to allow them to make these modifications, to maintain their own improvements, and to have the special use of the lower fees.

Section 8 has for its purpose authorizing us to provide food or temporary lodging or various other things to people in two general classes of cases.

One is where we have a demonstration. For instance, we have some experimental areas of forest and range, and annually we get a lot of people to come out to see what we are doing in the hope that they will do likewise. A good many of these places are remote from where they can get a lunch and perhaps they have to stay overnight. We have to lay out some money to feed them.

We have to lay out money to feed them, and we would like to have authority to make a reasonable charge for that. There is no appropriation.

Mr. LIND. As a rule, is that let out on a concession basis, or to members of your own service?

Mr. LOVERIDGE. Normally we are not operating in any one place long enough for a concessionaire to be interested. We run our own mess, Mr. Congressman, and these people are perfectly willing to reimburse us for the meals.

Mr. GRANGER. There is no specific location where this is carried on?

Mr. LOVERIDGE. No; no one spot.

Mr. GRANGER. And a concession would not be practical?

Mr. LOVERIDGE. No. Usually it is at remote localities where we would probably hold these meetings for 2 or 3 days.

Mr. GRANGER. Yes, and it might not happen in the same place twice.

Mr. LOVERIDGE. That is right.

Mr. GRANGER. Is there any objection? There seems to have been quite a lot of discussion of that section last year.

Mr. LOVERIDGE. Yes. On page 16 of the hearings of H. R. 2028, Mr. Chairman, there was some discussion by Mr. Goff, Mr. Cooley, and Mr. Poage.

Mr. GRANGER. But there was no objection?

Mr. LOVERIDGE. There was no objection raised. It was mainly discussion. I can give an outline of it very briefly if you wish.

In addition to such situations as I have just mentioned we may, for example, on some of our camp grounds want to furnish fuel wood so users will not go out and cut down the trees indiscriminately. We charge them 25 cents for getting it. We want to be able to use the same money over again when we get it back.

It applies to a variety of things but we do not anticipate in any way that it will get to be large as a fiscal or financial undertaking.

Mr. GRANGER. What do you do with it? Have you ever done this before where you have charged for meals?

Mr. LOVERIDGE. Yes; we have had to do it, but a question has been raised, and we thought we ought to have the matter clarified.

Mr. GRANGER. What became of the funds when you did it?

Mr. KRAMER. They went into miscellaneous receipts.

Mr. GRANGER. They went into the Treasury?

Mr. KRAMER. Yes.

Mr. LOVERIDGE. If there are no further questions I will take up the next section.

Section 9: The purpose of section 9 is to enable us to provide nursery stock principally, and in some cases seed, from Forest Service nurseries, to other public agencies, or to other countries, where it is



to their advantage to get stock from our nursery instead of trying to grow their own, and where it is convenient for us to do it with the provision that they pay us for that, and then whatever we have spent out of our appropriation for that purpose goes back into the appropriation, so our ability is not diminished to carry on this activity.

We have inquiries from foreign countries not infrequently to trade them seed or supply them seed. We can do that as a part of our own seed-collecting operations and they reimburse us for the outlay.

We have had a great many discussions with Mr. White, a representative of the private nursery people, and have reached a fairly good understanding that we would stay out of his business and we are willing to reaffirm that in any reasonable way.

One of the purposes for which a State might wish to buy stock from our nursery is to resell it to farmers or timberland owners to plant on a farm wood lot or some man's timber holding for the purpose of building up its productive capacity. That is an established practice under section 4 of the Clarke-McNary Act.

Mr. GRANGER. Does this duplicate that act?

Mr. LOVERIDGE. No.

Mr. GRANGER. You have a similar section in the bill?

Mr. HEIMBURGER. I would like to inquire about that. I wish, Mr. Loveridge, you would clear up just why this authority is necessary when you already have the nurseries that are operating cooperatively between the Forest Service and the States under the Clarke-McNary Act?

Mr. LOVERIDGE. The nurseries I refer to, Mr. Heimburger, are nurseries not operated by the States. The nurseries I referred to are Forest Service owned and operated nurseries. The cooperative nurseries financed in part by the Clarke-McNary Act are owned and operated by the States.

Mr. LIND. When the State buys them off the nurseries and sells them do they make a profit on them?

Mr. LOVERIDGE. No; the regular practice, under the act to which Mr. Heimburger just referred is to sell planting stock below cost.

Mr. HEIMBURGER. If they bought them under this act the terms of that act would not apply?

Mr. LOVERIDGE. No; under this act, they would buy direct from the Forest Service nurseries.

Mr. LIND. I think a provision ought to be in there that when you make a sale back to the States and the State sells them to a farmer there should be no profit.

Mr. KRAMER. The practice in every State, I believe, Mr. Lind, is to sell them below cost.

Mr. LIND. Below cost?

Mr. KRAMER. Yes; that is, they subsidize them out of State appropriations in order to encourage the expansion of tree planting in the States.

Mr. GRANGER. In the cooperative bill, between the Federal Government and the States, they are selling below the production costs?

Mr. KRAMER. Yes.

Mr. HEIMBURGER. In fact, they lose about 50 percent, as I understand.

Mr. KRAMER. Yes. The practice of the States, practically all of them; and the Federal Government would sell at cost to the States.

Mr. LIND. And when the States sell to the farmer—

Mr. KRAMER. Yes. They have a certain amount of appropriations which really represent a subsidy for planting, to encourage the farmers to increase the reforestation of their land.

Mr. LOVERIDGE. This is discretionary authority, and you can be assured that the Forest Service would require that agreements of that sort be entered into before sales would be made.

Mr. LIND. That is all I have.

Mr. LOVERIDGE. Section 10 would authorize us to install telephones at public expense in the residences of some of our seasonal fire-protection employees, or in the residences of those who actively cooperate with us in the detection and suppression of fires.

Now, we make use of what you might call the warden system in a large way in some parts of the country. We have contractual arrangements with local residents for a certain season of the year, whereby they become our employees for the purpose of detecting fires and putting them out. We have to be in telephone communication with them. They cannot afford or do not want to afford a telephone for their own purposes, but it is essential for our purposes that they have one.

This would merely provide that we could put a telephone in that man's house for a few months of the year at our own expense and if there were switching charges involved we would pay for that.

There is now a prohibition against doing that sort of thing.

Mr. GRANGER. You would use State wardens for that purpose?

Mr. LOVERIDGE. No; these are usually not State wardens. They are settlers and they are willing to cooperate with us. We just call them wardens. Quite often they volunteer at no charge or cost to the Federal Government. We usually put them on a per diem rate basis, which is the very cheapest form of fire detection and suppression that we have. But we have to keep in touch with them by telephone, in order to get quick action. The purpose of this section is to authorize us to put in a telephone connection during the time these people are available for that kind of work.

Mr. GRANGER. This is confined to the Forest Service and under the jurisdiction of the Forest Service.

Mr. LOVERIDGE. That is correct.

Mr. GRANGER. Do these people usually reside on forest land?

Mr. LOVERIDGE. That is correct.

Mr. GRANGER. Any further questions?

Mr. LOVERIDGE. Section 11 has for its purpose authorizing us to make a long-term agreement with the owner of a piece of private land in or adjacent to the national forest, so that we may reseed that land to grasses, for use by livestock permitted on the national forest. And Mr. Wilson can testify to the fact that it is needed, I am sure.

Mr. WILSON. Please do not ask me to testify.

Mr. LOVERIDGE. We are faced with quite a problem of reducing the number of livestock permitted, or of increasing the productivity of the range, or both, in order to protect the range and the watersheds.

For inside the forest, on our own lands, we have adequate authority, within the limits of appropriations, to reseed the range. However, in some cases we could accomplish the same general purpose better

by acquiring the right to reseed some other fellow's land, and put it under our control, and transfer some of our excess stock to that land and thereby relieve the pressure on the national forest range or watershed.

This provision here, recognizing that it is perhaps somewhat of an innovation, is circumscribed by the limitations that we cannot do this on more than 1,000 acres of any individual's land, nor or more than 25,000 acres in any one fiscal year. It would result in very real conservation for us to be able to employ this kind of authority, under the safeguards that are set up in the bill, in relieving overgrazing to some degree on national forestland.

It would be of tremendous help as I have just stated, to be able to reseed lands of owners outside of but adjacent to the national forests, and to enter into an agreement with the owner of the land whereby the forest service would control it for several years. We could then put livestock down on that restored private range and thereby release the overgrazed national forests lands back up in the mountains, during the period the mountain ranges are being restored. It would be of great help to national forest ranges we have in the West, and to the local people who are dependent on those ranges.

Mr. GRANGER. I know exactly what you are talking about but I imagine you have run into considerable opposition to that section.

Mr. Loveridge. I do not believe we have had any as yet.

Mr. HALL. May I ask a question right there.

Mr. GRANGER. Certainly.

Mr. HALL. First of all I want to say that I was out in California with the Agriculture Committee last year and I had a chance to see the fine work which the National Forest Service is doing, particularly in the Grazing Service.

As I understand it, you allow the stock to graze on the forest lands; is that right?

Mr. LOVERIDGE. Yes.

Mr. HALL. I think the idea of the additional authority is good, and just correct me if I am in wrong, but as I gather from the testimony the proposal in this proviso is to go out and acquire additional lands, for grazing use.

Mr. LOVERIDGE. Under a lease arrangement.

Mr. HALL. Yes. And you would perform the service of reseeding and then probably someone else's cattle would be put on the land.

Mr. LOVERIDGE. That is correct.

Mr. HALL. You would have an agreement with the land owner.

Mr. LOVERIDGE. Yes.

Mr. HALL. Do you think you might be faced with the charge of favoritism, if someone might want to get the benefits of this operation when someone else had it?

Mr. LOVERIDGE. So far there has been no such charge made or suggested. As you know the stock raisers who use the national forests are permittees. They pay a grazing fee. Some of the allotments on which they are very seriously dependent are overstocked. There are two things that can be done about that: One is to take the livestock off the ranges. That is a very painful thing for the people who are settled there and derive much of their livelihood from livestock. It is very distressing at times.

Another thing we could do would be to provide ranges elsewhere for them as proposed by this section, by reseeding some of the land



on the outside of the national forests and keeping the stock down there while the mountain ranges are being restored.

Mr. HALL. Then the owner of the land can apply, under this provision, to obtain seeding, and if you approve, if you agree, he can get his land reseeded.

Mr. LOVERIDGE. That is correct with the understanding that the Forest Service will have control of it during the period of the lease.

Mr. HALL. You might bring in a third person's cattle to graze the land.

Mr. LOVERIDGE. That is correct.

Mr. HALL. I do not pretend to know, but possible conflicts might arise. I should think it would be a reasonably good idea, but, of course, human relations being what they are, there might arise dissatisfaction as between individuals who sought the same consideration and were not able to get an agreement through.

Mr. LOVERIDGE. You will note that the section would authorize a rather limited amount of acreage. We could not exceed 1,000 acres in any one place, and not more than 25,000 acres a year. It would not be a very large project, you understand, but even with 25,000 acres reseeded to wheatgrass range, it would take care of a large number of stock in the overgrazed mountain ranges, and it would be of great help.

Mr. HALL. How many animals do you consider necessary to take care of a thousand acres; about one to the acre?

Mr. LOVERIDGE. Mr. Dutton, Chief of the Range Management Division, would be the authority on that.

Mr. DUTTON. It would vary, Mr. Hall, depending upon the success in reseeding. But on a typical area, with reasonably good reseeding, it would be reasonable to expect a reseeded acre of ground to support a cow for about a month.

Mr. HALL. Then you would need to obtain more if the animal were going to graze a year.

Mr. LOVERIDGE. In most of these cases where we would reseed under the provisions of this legislation, the grazing would be on a seasonal basis, the average season would be in the neighborhood of 3½ months.

Mr. HALL. Have these agreements worked out pretty well in the past?

Mr. LOVERIDGE. We have lacked the authority.

Mr. HALL. You have had agreements, though, with the private landowners, have you not, to allow them to graze?

Mr. LOVERIDGE. There are some 25,000 permits for grazing privately owned livestock on the national forests.

Mr. HALL. You have that privately owned livestock grazing on the forest lands, but you have never leased the land through agreement?

Mr. LOVERIDGE. That is correct. We do not lease the land. We issue permits at so much per head for the mature animals. In all there are about 9,000,000 head of livestock that graze on the national forests each year.

Mr. GRANGER. Livestock on the forest preserves are all permitted to graze there. It would only be the livestock with a permit that would graze on these contracted areas.

Now, the question that probably arises is—Do they pay any additional fee for this privilege?

Mr. LOVERIDGE. No, Mr. Chairman, excepting this: The amount of the fee depends upon the number of livestock put on the range. If there is room for more livestock on the range, the grazing receipts are increased. To that extent there would be a greater return to the Treasury.

Expressing it another way, if we had to take 1,000 head of livestock off the range due to overgrazing, we would lose those receipts. If we could put them on this reseeded range, it would mean we could save these receipts. You get the distinction that I am making?

You spoke about the year-long range. Quite often the greatest damage done to our ranges in the mountains is due to the stock getting up there too early in the spring, while the range is still soft, the snow is still going off, and the livestock churn up the soil.

One of the big purposes here would be to keep the livestock down in the sagebrush flats, until the range up above has become firm and the grass has got a good start. If we could just keep the animals down there for the months that Mr. Dutton spoke of, it would be a great conservation measure.

Mr. GRANGER. Of course, we always get into the argument as to whether it is fair competition for the Government to do a thing like this for a few people, and the fellow who owns his own land pays taxes on it. We have always had that quarrel, so to speak. Would this bill add to the disparity, if there is any, between the fellow who grazes on the public land and the fellow who owns his own property?

Mr. DUTTON. I believe not, Mr. Chairman, because, as you just pointed out, the livestock which would utilize the reseeded areas are the livestock which are now under permit on the national forests.

Mr. HALL. It would seem to me that a private landowner close by, and being eligible for participation in this agreement, I should think that it would be a great boon to the private landowners. I would like to be in a set-up of that kind if I owned a lot of land out there. You could certainly get your land developed pretty easily.

Mr. GRANGER. Would this permit you to make a contract with an individual who is not a permittee?

Mr. DUTTON. I believe that it would.

Mr. LOVERIDGE. It would.

Mr. DUTTON. In many cases, the owner of the land to be reseeded may not have any livestock at all.

Mr. HALL. That is my point.

Mr. DUTTON. In other cases he may have some livestock.

Mr. GRANGER. What happens to the land you would take? Would it take his real estate off the tax rolls of the county?

Mr. LOVERIDGE. No.

Mr. GRANGER. The lease would not interfere in any way?

Mr. LOVERIDGE. To the returns to the county; no, sir.

Mr. GRANGER. And he would operate his own property in conformity with the lease that he had with you; is that right?

Mr. LOVERIDGE. Yes. As Mr. Dutton said, this would increase the value of his property, so doubtless it would yield a better return in taxes.

Mr. HALL. Is he free to go ahead and do other things on his property?

Mr. LOVERIDGE. Not on that area under lease. The area that is under lease is under control of the Forest Service during the period of the lease.

Mr. GRANGER. How long are the proposed leases going to run?

Mr. FLORENCE. Not in excess of 20 years.

Mr. HALL. It would be a soil-conservation measure?

Mr. LOVERIDGE. You are right, Mr. Hall; it is a soil-conservation program of very major importance to the mountain ranges. We are having considerable difficulty in protecting the mountain ranges and at the same time keeping the greatest amount of stock possible on the ranges because we realize, as I mentioned before, the serious impact it has on the settlers when we have to reduce the number of livestock. Therefore, if we can find some way by reseeding these outside ranges for a time and keeping the livestock down there, it will benefit the health of those mountain communities very much, as well as benefit the resources.

Mr. LIND. Do you have any of these areas under consideration right now?

Mr. LOVERIDGE. Yes. I saw some last year down south of Salt Lake City. I presume that you have seen them, Mr. Granger. It is not difficult to visualize them. If we were in the other room where we have some Forest Service pictures we could show you them.

The Wasatch Range rises from relatively level plains and starts up like this [illustrating]. The national forest boundary is at the bottom of the hill. Outside are sagebrush flats so dry that you cannot raise any agricultural crops on them. The livestock, as I mentioned a moment ago, come in shortly after the snow leaves the mountains and spend the summer up on the mountain ranges. We have found how the sagebrush flats can be reseeded with an imported crested wheat grass. It will grow in those flat counties and yield a fine crop.

As I mentioned a moment ago, our hope and plan would be to keep the stock out here on this privately owned land which has been reseeded, until the mountain ranges become firmed up.

Mr. LIND. This land that you are speaking of now is purely waste land, in a sense? It is not used for any purpose?

Mr. LOVERIDGE. It is used for winter range and for spring and fall range while there is still enough moisture from the winter precipitation to produce some feed.

Mr. LIND. In other words, the owner of that property is more or less willing to go along with your plan, then?

Mr. LOVERIDGE. Yes. It would be a give-and-take proposition. Both would benefit by it over the period that Mr. Florence mentioned. In several years it would be converted from a sagebrush flat to a revegetated crested wheatgrass pasture, but in the meantime the Government and the permittees would be getting the use of it.

Mr. FLORENCE. I think one illustration that might be given as to how this thing would work is this: If a man, say, has 500 acres of land which would require 5 acres per head to take care of his cattle, and if that land is seeded, the same 5 acres that are required for one head might carry two. He might have the full capacity of cattle on that land at the present time. As we visualize it, he probably would be permitted to continue carrying the same number of cattle that he had formerly been carrying on the land, and the additional cattle which would be made possible for the seeding would be available to relieve the forest range. That is just one illustration of how this might work and how the owner of the land himself might get to continue to use that land.



Mr. HALL. As I understand it, the favored customers are going to be the ones nearest the land that you people have.

Mr. FLORENCE. By the terms of this bill, it is limited to the land which is within or adjacent to the national-forest land; so there are very definite geographical limits as to how far you can go.

Mr. HALL. I wish that you could grow some hay for us. We have a draught in the New York milkshed. We are going to need it next winter.

Mr. GRANGER. Are there any other questions?

Mr. HEIMBURGER. In your next section here, 20 years is the maximum time for which you can make one of these leases, but the authority is for the Secretary or the Forest Service to make one of these leases whenever it will give Forest Service control over the land for a sufficient period to justify such expenditure.

What would you normally interpret a "sufficient period" to be?

Mr. DUTTON. There again, Mr. Chairman, I do not know we could answer that categorically. Again it would depend upon the extent to which we could increase the grazing capacity; and I would say, as a general rule, the greater the increased capacity and the resulting increase in total revenue in the way of grazing receipts, that would influence the period that we would have it under agreement. So, the more we could obtain in fees, the shorter the period.

Mr. HEIMBURGER. Ordinarily, just to get some idea, do you think that it would run 5 years, 10 years, or what?

Mr. KRAMER. I saw three or four examples worked out, and the period necessary to liquidate the cost to the Government ran between 8 and 12 years on the average.

Mr. HEIMBURGER. Is it your understanding that these operations will be self-liquidating?

Mr. KRAMER. Oh, yes; that is a part of the bill. The cost to the Government would be liquidated through the increased receipts coming in from the grazing privileges.

Mr. HEIMBURGER. It will not be a losing proposition?

Mr. KRAMER. No.

Mr. GRANGER. Specifically on this section, Mr. Wilson, do you have anything to say at this time?

Mr. WILSON. On that particular section, no.

Mr. LOVERIDGE. Section 12 authorizes the Secretary of Agriculture to accept deposits of money from grazing permittees to cover the cost of installing range fences and other range improvements, including range reseeding. The stockmen and settler permittees are not only willing but anxious to have the ranges improved and to have it paid for in this manner. The principle behind section 12 is the same as that embodied in section 3 of the Knutson-Vandenberg Act (16 U. S. C. 576 (b)). That law permits acceptance of deposits from timber purchasers to cover the cost of planting trees, destroying undesirable trees, and otherwise repairing and improving the forest following logging operations. As you know, the Forest Service desires not only to protect but also, within limits of sustained yield, to utilize to the greatest possible extent both the forest and range resources. Such utilization is bound to result at times in some adverse effect on these resources. For the forest resource, Congress has provided the needed corrective action in the Knutson-Vandenberg Act of June 9, 1930. It seems only reasonable to make similar legislative provision for rehabilitation of the range resource.

In many cases Forest Service ranges are used jointly by a large number of individuals, most of whom have only a small grazing permit. Under such circumstances there is almost no way at present by which the needed improvements could be installed by the individual users. They have neither the trained personnel nor suitable equipment for handling the range-improvement work. The Forest Service does have both the personnel and the needed equipment; so that, with the Forest Service doing the work as a single operation, it could be done more efficiently and require less supervision than where it is attempted by individual permittees.

The present wording of section 12 has been interpreted by some to call for payments over and above that normally deposited as grazing fees. As a result, they have registered opposition to this section. Such was not the intention, and in order to clear up the misunderstanding it has been recommended that line 17, page 9, be modified by eliminating the words "in addition to payments" and substituting therefor the words "as part of the established fee."

Mr. GRANGER. What you mean by that section, as I know it from experience, is perhaps illustrated by what I am going to say. We wanted to build a drift fence. The Forest Service's interest was only incidental. They did not care whether it was there or not. Well, there were 50 permittees that had a permit all the way from 4 or 5 head of cattle to 150 head. In order to build that fence, first we had to get a permit from the Forest Service; sell them on the idea. Then we had to go to them and have them tell us where we could build the line, where we could cut the timber, and how the branches and the devastated parts that had been used would be disposed of. We were not in a position to do it ourselves. Necessarily, we had to get a contractor to do that kind of work.

If I understand, what this bill would do in a case like that would be to allow the Forest Service to act for the permittee and they would take care of the situation. This amendment would indicate that it would be financed by the fees already paid. ✕

Mr. LOVERIDGE. That is correct.

Mr. GRANGER. Am I right in saying that would be the purpose, in the illustration that I gave? |

Mr. KRAMER. I think that it is excellent.

Mr. LIND. Here in the report it states, "This section permits the Forest Service to require each user of a particular range to pay his proportionate share of projected range improvement." So, in the case of Mr. Granger's illustration, he would be required, as well as the other permittees, to pay a proportionate share of the cost. They would deposit that money with the Forest Service, and you people would do the work for them? 1

Mr. LOVERIDGE. That is right. The deposits there would be a part of their regular grazing fees, however. The report was not correct in that respect. ✓

Mr. HALL. Do I gather that the permittee will be required to pay for his fencing?

Mr. LOVERIDGE. It would be a part of his grazing fee. If we follow the analogy that we started out with, under the Knutson-Vandenberg Act in our timber sales, we determine by an appraisal what the timber is worth. For example, if it comes out that the value, after allowing for a margin of profit for the operator, is \$8 a thousand, for example,



we will specify that \$7 of it is to be deposited in the Treasury as receipts from the stumpage and \$1 is available then for what we call KV work; that is, for replanting and things of that sort. The same scheme would be followed here. If the grazing fee were 50 cents, and it was decided that 5 cents per head would be used for the fences, such as the chairman speaks of, 45 cents would then be deposited as the regular receipts of the Forest Service and the other 5 cents would be earmarked for the construction of fences.

Mr. HALL. Do you think that would cover the cost of fencing?

Mr. LOVERIDGE. Very definitely.

Mr. HALL. Fencing is pretty expensive.

Mr. LOVERIDGE. We have millions of head of livestock on the ranges; and, even though the amount per head is small, the aggregate receipts would be adequate to take care of the costs. We would be sure of that or we would not do the job.

Mr. HALL. In other words, the Government does not have to stand the cost of fencing?

Mr. LOVERIDGE. Not for those fences in addition to the payment that I have just mentioned. We do get regular appropriations which are usable for other fences and other range improvements.

Mr. GRANGER. The interpretation that I put on this section last year is that it would operate like this: This would be an additional fee that would be charged to the permittees, and the thing that caused opposition to it was that when this additional fee was charged and prorated among the permittees to be paid to the Forest Service, if there was any balance left, and it did not cost that much, the Forest Service would still return the amount that was deposited, even though it might have been more than the improvements.

Mr. LOVERIDGE. That would be taken care of by this new language.

Mr. GRANGER. Mr. Wilson, do you have anything to say?

#### STATEMENT OF JOHN B. WILSON, REPRESENTING THE NATIONAL WOOL GROWERS ASSOCIATION

Mr. WILSON. I am not sure that the new language covers it, and covers our objection. For example, Mr. Loveridge is a little liberal in his estimate of the cost of fencing, to think that a part of the fee will cover the cost of fencing. It might over a period of years, but it would not in any one year. It will take the whole fee and then some in any one year to build the fencing. I do not like the words "may require" unless it is further defined to show that the Secretary will agree with the permittee that whatever amount he pays in fees shall be used for this range-improvement work, as outlined in this bill now being considered. I do not think that you can do it, and I do not think the permittees will want to advance the money. Some might, but many will not. They will, however, be perfectly willing, I would assume, to repay that out of the fees as the fees accrue from year to year, so that the Government would not be out of pocket. It is not quite clear to me that that can be done under this language. I will have to have that cleared up. If it can be done so that the fees will apply against the cost of the improvements, until such time as the cost of the improvements are paid, it would make no material difference to the permittees, because they would be paying their regular fees and you would be diverting that to the cost of improvements. I

do not think they would have any objection to that, but I would like it thoroughly understood that is exactly the way it will be done. I am not clear that the language you have proposed does that completely.

Mr. GRANGER. Did you understand section 12 as I understood it?

Mr. WILSON. Exactly, sir.

Mr. LOVERIDGE. From your understanding of the language last year, it could have been interpreted in that manner, and that is the reason for the corrected language this year. Mr. Wilson is right in that the cost of fencing is very, very high. I do not intend to imply that the cost would be covered in any one year, Mr. Wilson. It would be done by the use of funds accumulated over several years. It is not only construction, as you know, but the maintenance of fencing runs very, very high. This would provide the Forest Service with funds to maintain their thousands of miles of fences over the country and related costs. This money would be available for that purpose as part of the grazing fee.

Mr. WILSON. It would be only the current grazing fee. You would not ask them to put up their fees in advance any more than they do now? They do now before they go on the forests. It would be on an annual basis?

Mr. LOVERIDGE. Precisely.

Mr. WILSON. You would apply that against these improvements? That would be of no concern to the permittee except that you would be improving the range that he was using, but it would be of no concern to him from a financial standpoint, for you would be collecting from him the regular fee.

Mr. DUTTON. That is right.

Mr. WILSON. On an annual basis.

Mr. LOVERIDGE. That is correct.

Mr. WILSON. If that is entirely clear, it is perfectly all right.

Mr. HALL. It seems to me that, if a man could go in and get 20 or 30 miles of fencing put up by the Government, it would be a pretty good thing to own this land out there.

Mr. WILSON. It is all on Government land, however.

Mr. HALL. I mean the permittees.

Mr. WILSON. Let me see if I can explain this, and some of you gentlemen correct me if I am wrong. This is done for the better utilization of the Government range, not the private range. It is done to keep stock off before we want them to go in, or keep them in a certain area and not let them graze in other areas. The fence is built for the range protection and for the Forest Service.

Mr. HALL. What about these private lands that you have been talking about?

Mr. WILSON. These private lands are in another section, and I take it that you will have to enter into a lease with the owner of those lands. There have to be two parties to the lease, and there is no way you could force the owner to enter into a lease unless he so desires.

Mr. LOVERIDGE. The private lands that you spoke of would be small tracts outside the national forests boundaries, patches here and there, and would not be affected by this materially.

Mr. LIND. That section 12 definitely states "national forests."

Mr. DUTTON. Then Mr. Hall, in addition to the example cited by Mr. Wilson, this section would also allow for the cooperative deposits

for building a lot of other improvements such as reseeding and the construction of water developments and driveways and the likes of that, and would apply to any part, or all, of about 80,000,000 acres of national forest grazing land.

Mr. WILSON. All for range improvements?

Mr. DUTTON. Right, all for range improvements, and related costs.

Mr. GRANGER. If that is made clear—

Mr. WILSON. If that is made clear—and inasmuch as I represent both the cattlemen and the sheep men—they would not have any objection, but I want to make it perfectly clear that they are not to pay more than the annual grazing fee at one time.

Mr. DUTTON. That is our desire.

Mr. WILSON. I am agreed with that.

#### STATEMENT OF RALPH BODLEY, ADMINISTRATIVE ASSISTANT TO SENATOR ECTON

Mr. BODLEY. I am the administrative assistant to Senator Ecton. He introduced a companion bill to this in the Senate. He had another committee meeting this morning and asked me to come over and sit in on your hearing so that he might have the benefit of the ideas expressed here.

I may just say this one thing, and I just give this as a matter of explanation. It was his suggestion and also the suggestion of Congressman D'Ewart, that this section be put back in the bill. You will recall it was cut out last year. We did not know at the time it was in last year's bill, but the reason we were interested in this section was, in the case of Senator Ecton, I think a large part of the criticism he has from the permittees in his State that run on the national forests is there have not been sufficient funds available for range improvements. As a result of the lack of proper range improvements, certain of our ranges were being damaged, and then the Government turned around and went to the expense of reseeding. He thought ultimately this would be a very good investment, in fact, an insurance policy against having to continue the heavy expenditure on range reseeding, which, by the way, fortunately is not necessary on a large scale in our country yet.

We had range management a little earlier than some of the other districts. I was a forest supervisor myself once. I was assistant director of the Agricultural Extension Service in my State until I came back with Senator Ecton, so I have had first-hand knowledge of the national forest administration and range management. I believe I had the distinction, Mr. Dutton, of being on the first range reconnaissance crew the Forest Service ever had.

We thought this section would give to the stockmen and to the Government the benefit of diverting part of these grazing fees to this direct activity of range improvement, but if it cannot be stated in a way that is acceptable to the stockmen, in this case Mr. Wilson who represents, I understand, the National Wool Growers Association, as well as the National Livestock Association, obviously the Senator, and I am sure you, would wish the section withdrawn.

It was only with a desire to be of help to the Government in better conserving its range, better range management, as well as benefits to the stockmen, that Senator Ecton and Congressman D'Ewart asked that this section be put in.



Mr. HEIMBURGER. Mr. Chairman, the language of this section still bothers me a little bit, particularly in view of the amendment which has been proposed here today. It seems to me the principle has been changed from the principle that was set out in the section last year. If you are going to set aside a part of the established fee for range management, then I do not see the need for, or the relevancy of, the words in here—"may require the grazing permittee to make deposits of money." If he pays a fee, he pays a fee, and it is then up to the Secretary of Agriculture under his authority to determine what he is going to do with it. This language bothers me. I do not see how there is any authority in here for a cooperative depositing of funds and an improvement of the range such as you suggest. I think that was in here last year before we offered this amendment, but I cannot read it in there now. Can you help me?

Mr. FLORENCE. I think that I can. The language, as Mr. Loveridge has stated, was patterned after the language used in the Knutson-Vandenberg Act. Except for the purposes for which these moneys are to be deposited, I believe it is almost the identical language.

I might try to illustrate the way that it works. The Knutson-Vandenberg Act authorized one thing—the requirement for these deposits for the removal of weed trees, as Mr. Loveridge has explained, and for replanting. Those are things which are considered good practice in forestry. They are things that companies following good practices do as a part of their operation, so in effect they are almost, you might say, an operating cost. In appraising the timber they would take into consideration the cost of doing those things which the operator would normally have done had he been following good practices on his own land.

This gave to the Secretary of Agriculture the authority to require that operator to follow that good practice on a section of forest land to make deposit of the cost of doing that work, and actually the expression "in addition to payments for the use" was put in the Knutson-Vandenberg Act to show that that deposit was not to be considered as a timber sales receipt which would go into the forest reserve fund, but that it was a deposit actually to cover one of the operating costs, just as much as felling the trees and transporting the logs to the mill is an operating cost.

Now, in this, the proper and adequate use of the range requires certain of these improvements. If the permittee is going to properly use that range he would have to pay the cost of those improvements, so in effect it would be an operating cost to him to be considered in establishing the grazing fees just as in appraising the national forest timber.

We try to take into consideration the value of the use. In fixing value, you would have to take into consideration the cost to the user; the operating cost.

Mr. HALL. He would be compelled to go through the whole program of improvement even though it exceeded the cost that had been met by the seeds?

Mr. FLORENCE. Well, in effect what you would do here would be this: Assume a permit had been issued to a stockman. That permit would normally run over a period of say 10 years. During the 10 years he has the right to use that range. If he had to put in the improvements on the range, naturally he would have to bear that

cost. That is, improvements that he put in that belonged to him so that when he ceased to use the range he probably would remove those improvements and take them if they could be salvaged with economy. Under this law, the improvements would be put in by the Government, but the permittee would pay his proportionate share of the cost of those improvements which are needed for the proper use of the range.

Mr. HALL. It is a set program and they could not deviate. They could not break off from the program; they would have to go ahead and do whatever the program called for?

Mr. FLORENCE. This work would be done by the Forest Service; this improvement work.

Mr. HALL. I understand that, but you mentioned a lot of these services and that they were all a part of the program, even though the permittee only wanted some of them, it would be the policy of the department to go ahead and do them anyway?

Mr. FLORENCE. On that—and perhaps I should not attempt to speak for the Forest Service on it—but if I speak incorrectly they can correct me on it—as I pointed out, these are things which have to be deemed desirable in connection with the use of the range. It would be good practice to have these improvements. You would want the drift fences; you would want the driveway, the watering places, in order to make a proper use of the range.

Under this language those things will be put in actually without any additional cost to the permittee. The cost to them will be borne by the Government out of these deposits which are made as a part of the grazing fee.

Mr. GRANGER. Coming back to the provision on line 25, it starts out, “*Provided, That such deposits shall constitute a special fund.*”

Mr. LOVERIDGE. I think in answer to that question, as also in answer possibly to one raised by Mr. Heimburger, that language “may require any grazing permittee to make deposits of money,” the letters of transmittal which the permittee uses in forwarding his money splits the amount of funds into groups: one to be deposited to the forest reserve fund, and the other to be made available for these improvements. That is the meaning of that phrase, “special fund,” in line 1, page 10.

Mr. GRANGER. That would mean that when I paid my grazing fee, as a matter of bookkeeping only you would set aside a part of that in a special fund for this purpose and the remainder would go to the Treasury; is that right?

Mr. LOVERIDGE. Yes.

The letter of transmittal will state on it, for example, \$100 to go into the Treasury, \$15 to go into the special fund. It is shown right on the letter or transmittal and our bookkeeper would keep a record of the \$15, and so on.

Mr. DUTTON. Mr. Chairman, in line with that explanation, it would be my explanation that the meaning of the phrase “may require” would be operative only in respect to what the forest supervisor does with that letter of transmittal.

Mr. LIND. I disagree with you there. Let me say that Mr. Granger, with his cattle out there, pays 50 cents a head a year for grazing purposes. That money is transmitted by letter and there is a break-down made of it.



Mr. DUTTON. That is right.

Mr. LIND. In addition to the money that he pays for the grazing fee the Secretary of Agriculture may require him to pay 50 cents a head in addition to that, is that not right?

Mr. LOVERIDGE. No, very definitely. The old wording made that so, that is true, but the new wording makes a correction. Do you care to make the correction there on line 17? Knock out the words "in addition to the payments," and substitute "as a part of the established fee." That is what caused the confusion before.

Mr. HEIMBURGER. Are these grazing fees set from year to year, or is it a contractual business between the Forest Service and the permittee?

Mr. LOVERIDGE. They are charged from year to year depending upon the price of meat.

Mr. HEIMBURGER. So the permittee gets a permit to run a certain number of head of livestock on the forest lands for a certain period of time, the fee to be set from year to year by the Forest Service.

Mr. DUTTON. That is correct.

Mr. HEIMBURGER. Now, assume that your good grazing practices are required in a certain area and during the next few years you construct 50 miles of fence and reseed 5,000 acres and construct 10 tanks, what would you do—figure out the cost of those things and amortize them on a 10-year basis, on the basis of fees to be collected in that area? Would that then become a part of the established fee?

Mr. LOVERIDGE. I am not sure that I understand the point that you are making. If we were going to build a fence, for example, that would cost \$5,000, we could work on it from year to year as the grazing fees become available, or construction could be delayed 4 or 5 years until the full amount of money needed had been accumulated. It could work either way.

Mr. HALL. You would have to wait for 5 years before you got the fences?

Mr. LOVERIDGE. In some cases, yes, before completion of the project.

Much of this, Mr. Hall, is for the maintenance of existing fences, or tanks or water holes. I am not sure that it has been brought very clearly yet that it is a great advantage not only to the stockmen, but, as Mr. Wilson mentioned, it is also to the advantage of the national forest resource. If we can put in drift fences so as to keep the stock back from the watering places and the overgrazed places, that is a great advantage to the resource. If we can put in new water developments, we can get the cattle back onto the hills where they would not otherwise go. It is a great thing.

Mr. DUTTON. I have an idea that in Utah you probably paid as low as 15 cents a month. The average 1949 fee is 49 cents per month.

Mr. GRANGER. That is based on the price of meat.

Mr. LOVERIDGE. The fees fluctuate up and down with the price of beef.

Mr. GRANGER. Let us go to the next section.

Mr. LOVERIDGE. We are recommending that section 13 be eliminated because since the bill was prepared our appropriation bill now contains this authority; consequently, it is no longer needed.

Section 14 is designed to overcome the existing limitation of \$2,500 a year for the purchase of sites for Government structures where there

is not any land in Government ownership available for the purpose. We have to go out in some communities adjacent to the national forests where prices are high, to put up warehouses or dwellings or something of that kind. The \$2,500 annual limitation for the whole United States is an old one which has been badly outgrown and we need additional elbow room where we are confronted with higher value conditions.

Mr. GRANGER. Does that \$25,000 mean for the whole service?

Mr. LOVERIDGE. For the whole United States Forest Service; yes. We want to pick up a building lot here, or a lot for a warehouse there. We have heretofore been limited to \$2,500 a year all over the United States, and it has been tremendously hampering. We wish to have a little more elbow room.

Mr. GRANGER. You are asking for a big increase from \$2,500 to \$25,000.

Mr. LOVERIDGE. Yes, but that limitation is a very old one and it has blocked the placing of our ranger stations where they should be placed, and our warehouses. We have been forced to put them back up in the mountains and canyons because there happens to be national forest land available, where as if we were able to spend \$300 or \$500 for a lot down along the highway, it would be a much better location for the transportation facilities and a better place for the ranger to live, and so forth.

Mr. GRANGER. Let us have the next section.

Mr. LOVERIDGE. Section 15 has three purposes. The first is to enable us to acquire ownership of some very important grazing lands in our northern Rocky Mountains regions which we are using for winter grazing for about 1,500 head of Government-owned pack mules and horses which we use in connection with our national forest operations, principally fire protection, and where it is proven that it is cheaper to assemble them for the winter on this land than it is to try to arrange for winter feeding in the various localities where these pack stock are used during the winter.

We have been proceeding under a lease arrangement for these lands, but it has many uncertainties. Some of these people from whom we have been leasing are inclined to want to sell.

At the present time the price of this kind of land is going steadily upward. While we have options to purchase at certain stated figures which make the buy a very good one for the Government, we do not know how long we will be able to continue to hold the options and retain this type of lease.

Since we have been using this area for a great many years and since it has proven to be a measure of economy, we would like to start out on a purchase program which would eventually put it all into Government ownership.

The first portion has for its purpose authorizing the appropriation of such sums as may be necessary for that purpose. I believe the total consideration is in the neighborhood of \$280,000, and we figure on spreading the actual purchase over a number of years.

Item (b) there has to do with our Forest Products Laboratory in Madison, where we do not have adequate facilities for some of our laboratory equipment and storage in the present structure. When this first legislation was introduced or was considered, \$15,000 would have done the job, but with the great increase in the cost of real

estate, it has been estimated that we will need \$45,000 or \$50,000 for this same purpose, so that if the committee is disposed to consider this item, we would like to have that figure of \$15,000 changed to \$50,000.

Subitem (c) is related to the growing potentialities of the helicopter, particularly in our work with fire control and particularly in California.

We had a very interesting experience with one last summer in a big fire near Los Angeles where it is a brush country, and very hot, and instead of walking the men out, we land them three at a time, fresh on the job, with a helicopter. The machine can hover over a little piece of ground no larger than this table. It greatly increases the speed of spotting fires.

We think we can probably contract for helicopter service. We are not sure. This is just an anchor to the windward, in case we have to acquire one of these machines. We need a base for servicing it, and it has to be on nearby land. This is merely providing for authority to appropriate, if the occasion arises, for the acquisition of a storage and shop site for a helicopter.

Mr. GRANGER. Under subsection (a), do you have more than one site in mind for the purchase of grazing facilities for winter stock?

Mr. LOVERIDGE. No. It is just at this one point in Sanders County. There are different ownerships, but it is all one site.

Mr. BODLEY. May I be permitted to raise a point with respect to another item, section 15 (a). I recognize the importance of that area to the Forest Service, and we appreciate what those pack animals that you winter there mean to your fire protection. It has been of tremendous help in your fire protection program. However, we talked that over with Mr. Granger at the beginning, and we raised the question that a large percentage of Sanders County is already Government owned, either by the Forest Service or the Indian Service, and it is not taxable property. That county has had a tremendously difficult time to finance itself from taxes. In fact, if it were not for taxable railroad property and a dam site in that county, I do not know how they would finance themselves. To take that additional large body of land off the tax rolls would, I feel sure, be quite a jolt to Sanders County. I am saying this unofficially. I just raise this question. I wonder if you would have any objection, or if you could work out some plan to transfer the ownership of land now federally owned, either within the forest or otherwise, to the county so it would go on the tax rolls to in part, at least, replace the loss in taxes from these lands that is in the figure of 40,000 acres. I wonder if you would have an objection. I raise this question on the spur of the moment. I have not talked it over with Senator Ecton to see what his wishes might be. Would there be any objection if you added some such wording as "provided that only such land as is approved by the board of county commissioners of said Sanders County, Mont., shall be acquired under this authorization"? I wonder if that would defeat the purpose of this section. I bring that up, the possibility of transferring the land to replace in part the loss of taxes.

Mr. LOVERIDGE. You will probably recall that our regular practice is to get the consent or the endorsement of the local county commissioners and county boards in our acquisition program. I presume that would certainly be the case here.



The fire-protection organization, in fact, the fire control set-up there in that region depends largely on these pack trains being available for our fire suppression work. I do not need to tell you of the value of that great resource to the county and to the State of Montana. You know it very well, and I am sure it would be pretty serious if we should lose the winter feeding ground for the livestock due to the changing of ownership of these lands. You suggested that we should go the limit in exchanges. I agree with you that we should go the limit in making exchanges so an equivalent value of Government-owned land could be returned to the tax rolls for that taken over. I can assure you that exchanges of that sort will be made to the very limit if we can get them to enter into such exchange of land agreement.

I can also assure you we could go the limit in getting the endorsement of the county commissioners. I believe we would be able to get it. I wonder, however, if we want to jeopardize the fire prevention project up in that state by making it so rigidly bound by the proposal you make in the language. You know you have worked for the Forest Service for many years, and I wonder if a commitment such as I am making for the record here will not be assuring enough without putting it in as part of the legal language.

Mr. BODLEY. I am sure that would be helpful. I have not even discussed this with Senator Ecton, but I have met with that county board of commissioners on budget matters, and I know how difficult it is at times for them because of limited taxes, and I just raised that point so that we will not jeopardize that county to the extent that they will not be able to operate.

Mr. LOVERIDGE. We certainly do not want to jeopardize the county's finances, and I can assure you we will make it a particular point by calling it to the attention of the regional forest service that it be discussed with the county officials before any action is taken.

Mr. BODLEY. Thank you, Mr. Chairman, for your courtesy.

Mr. HALL. Mr. Chairman, in subsection (b) you mentioned "Not to exceed \$50,000," and in your discussion of that you mentioned that some time ago you considered \$15,000 as the adequate amount. I wonder how long ago that was.

Mr. LOVERIDGE. I recall about 10 years ago, when we first started negotiating. There are two tracts there. We are not bound as to just one of them.

Mr. HALL. I note that that is quite an increase, from \$15,000 to \$50,000, although I can understand there would be some increase. However, it just occurs to me that real estate generally is a little lower this year than it was last year, at least when you try to sell anything.

Mr. LIND. Not when the Government wants to buy something.

Mr. GRANGER. Anyhow, that has been a long time. This is the laboratory we visited in Madison, Wis. It is right in the city. It used to be out in the country. That would make the difference in the price of the real estate.

Mr. LOVERIDGE. That is a \$1,000,000 laboratory. It would cost much more than that to duplicate it at this time. It is a wonderful property.

Mr. GRANGER. What do you mean by that language there that land acquired under this section may be subject to such reservation and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired. What are you driving at there?

Mr. LOVERIDGE. There may be some reservation that will not be of any damage whatsoever so far as the helicopter landing is concerned which we would be willing to make in order to get a lower price and still attain the objective of the landing site.

Mr. GRANGER. Do you have anything especially in mind on that?

Mr. FLORENCE. The most usual reservation that we run into is minerals. Of course, they would have to be such as the Secretary determines would not interfere with the purpose for which the land has been acquired.

Section 17 provides that as an emergency measure and until the compensation act can get into operation, we may provide payments for loss of time occasioned by injury in official work, for periods of not in excess of 15 days, so that the injured man may have some money to carry him along until his case can be considered by the Employees' Compensation Commission, and if it is found that he is eligible for benefits under the Compensation Act, then the outlay by the Forest Service is returned to it by the Compensation Commission.

This has been considered with them and some modifications in language have been made and it is now satisfactory to the Compensation Commission.

Mr. HALL. Does that apply to some of the young men engaged in summer work for the Forest Service?

Mr. LOVERIDGE. Yes.

Mr. HALL. Engaged in some dangerous work along the cliffs?

Mr. LOVERIDGE. On fire control.

Mr. GRANGER. Now, about section 17.

Mr. LOVERIDGE. I will now comment on section 16. It is designed to take care of accidents or illness resulting to temporary employees of the Forest Service in various lines of work, who are away from home, and when this occurs for some reason not attributable to official work. If it is attributable to official work, then the Compensation Commission provision will apply, but we have cases where these fellows get sick and they are away from home with no one to take care of them, and we would like authority to render them the necessary medical attention for a period not exceeding 15 days, until some more permanent arrangement can be made at the expense of somebody else to take care of them.

Now, we have imposed upon local authorities in cases where this kind of thing has occurred. We may have a man employed in some locality who comes from a thousand miles away. The local county should not be put to the expense of taking care of him as an indigent, when he is a stranger in the territory.

This would not run into any considerable sums of money. It is an occasional occurrence which is in the interest of humane dealings with our employees who are at long distances from base, or may not have a permanent home, to give them this temporary relief.

I may say with respect to this, although it does not concern the Compensation Commission, that they have, I believe, given their moral approval anyway to this kind of an undertaking.

Mr. GRANGER. Section 18.

Mr. LOVERIDGE. It has for its sole purpose the repeal of certain acts now obsolete. For instance, the building limitation covered by the acts of March 3, 1935, and May 22, 1928, has been raised under present legal provisions which say that those limitations shall be set in the



appropriations act. We now have an appropriation act limitation of \$10,000.

This legislation is no longer needed nor relevant.

The act of May 27, 1930, places a limit on the annual outlay for water facilities and sanitary systems appurtenant to our buildings. It is greatly out of date.

Now, the cost of sanitary facilities and water systems is not considered as a part of the building costs, and there is no limitation on it for the individual structure, but there is this old total annual limitation applying to all the facilities which we would install in any one year.

125.542 D  
Section 13 of the act of March 1, 1911, as amended, requires with respect to forest land obtained by purchase, that the so-called 25-percent payment which is 25 percent of the receipts every year paid by the Government to the States for the counties should be limited as to each county to an amount not in excess of 40 percent of the county's income from all other sources. That does not apply to the vast majority of national-forest acreage which was set aside as public domain. There should not be that inconsistency. It involves our county revenues in a way that is not consistent with the general purpose of giving the county a share in national-forest receipts.

Mr. GRANGER. The committee will arise.

(Whereupon, at 12:20 p. m. the committee adjourned.)

by Mr. Laveridge, Asst. Chief

## DISPOSITION OF MONEYS RECEIVED FROM THE NATIONAL FORESTS (H. R. 2419)

WEDNESDAY, AUGUST 3, 1949

HOUSE OF REPRESENTATIVES,  
SUBCOMMITTEE No. 3 OF THE COMMITTEE ON AGRICULTURE,  
Washington, D. C.

The subcommittee met at 10 a. m., pursuant to call, in room 1308 New House Office Building, Hon. Walter K. Granger, chairman of the subcommittee, presiding.

Mr. GRANGER. We will come to order.

The subcommittee has before it this morning, H. R. 2419, a bill introduced by Mr. Tackett, of Arkansas, relating to the disposition of moneys received from the national forests.

(H. R. 2419 is as follows:)

[H. R. 2419, 81st Cong., 1st sess.]

A BILL Relating to the disposition of moneys received from the national forests

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the fourteenth paragraph under the heading "Forest Service" of the Act of March 4, 1913, as amended by section 212 of the Department of Agriculture Organic Act of 1944 (U. S. C., 1946 edition, title 16, sec. 501) is hereby amended by adding at the end thereof the following new sentence: "Ten per centum of all moneys received from each national forest during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for recreational purposes within such national forest."*

Mr. GRANGER. Does the gentleman desire to be heard now on the bill?

### STATEMENT OF HON. BOYD TACKETT, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ARKANSAS

Mr. TACKETT. Yes, sir; at the convenience of the committee.

Mr. GRANGER. You may proceed.

Mr. TACKETT. Mr. Chairman, the purpose of this bill, of course, is obvious. I have proposed, through the introduction of this bill, that 10 percent of all the moneys received from each national forest during each fiscal year, shall be available at the end thereof to be expended by the Secretary of Agriculture for recreational purposes within such national forest.

The Agriculture Department has suggested that the bill be modified so as to provide that 10 percent of all moneys received from the national forests during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for development, maintenance, and operation of national forest recreational resources and

areas within the States from which such proceeds are derived. That changes the bill merely in respect to the area in which the money would be used for recreational purposes, and I, of course, have no objection to that.

Mr. GRANGER. That would mean that if the forest extended into more than one State, the money received in a State would be expended in that particular State; is that right?

Mr. TACKETT. That is right.

We all recall that back during the WPA and CCC days, millions of dollars were spent within the recreational areas in this country, and just a glance at some of these pictures will convince you that the Forest Service does not now have sufficient moneys with which to keep those areas up. These pictures show some recreational areas within the two national forests within the State of Arkansas, the Ouachita National Forest and the Ozark National Forest. These are from the Ouachita National Forest, and I would just like to have the committee look at them at their convenience.

Mr. GATHINGS. Mr. Chairman, would he state what area the Ouachita National Forest covers?

Mr. TACKETT. Oklahoma and Arkansas. It is located in both States, and it is about a million and a half acres of land.

Those pictures will conclusively reveal that the spillways and the lakes and the facilities that have been provided at the expense of this Government are now just absolutely going to waste, because the Forest Service does not have the necessary funds to rehabilitate and restore them for the general public.

I think that the statement, here, from the Department of Agriculture, contained in the letter which has been written to the committee, fully covers anything that I might want to say. I would like to introduce into the record for the benefit of the committee a couple of reports that I have from the supervisors within the affected areas of the State of Arkansas. I am speaking of Arkansas, because I know nothing about the other States; but I am sure that the same thing prevails throughout the country.

Mr. GRANGER. What did you want to put into the record?

Mr. TACKETT. I wanted to put into the record a couple of statements from the supervisors of the Ouachita and the Ozark National Forests, which plainly tell this committee and tell the world the predicament down there, and the need for these moneys.

Mr. GRANGER. Without objection, they will be received for the record.

(The material referred to is as follows:)

DEPARTMENT OF AGRICULTURE,  
FOREST SERVICE,  
OZARK NATIONAL FOREST,  
*Russellville, Ark., February 14, 1949.*

Hon. BOYD TACKETT,  
*House Office Building, Washington, D. C.*

DEAR MR. TACKETT: In accordance with your letter of February 9, I am herewith attaching copy of a statement concerning the status of our recreation areas which I prepared recently.

This will give you a fairly good idea of what is actually needed to place the recreation areas in a good state of repair and to attract tourist business, which it is possible to develop in this area.

Also attached is a copy of a statement which I prepared for some of the people in Paris concerning the recreation facilities of the Magazine ranger district.



The Ozark Forest is a mountainous and very attractive scenic area but it is handicapped by the lack of paved or dustless roads to reach the most scenic areas within the forest. The public recreational areas which have been developed, however, do have a relatively heavy use by the people of the communities in the surrounding territory. There were 345,000 local and out-of-State visitors this last year. With the advent of paved roads, some of which are now under construction, this use will undoubtedly expand and the local towns and merchants will reap additional benefits in the way of income from tourist travel. The dollar value of forest recreation is difficult to evaluate. However, the forest is considered as one of the attractions which results in the reported \$150,000,000 yearly tourist business of the State.

From a regional standpoint, the recreational use is still largely potential but is growing each year. Numerous flood-control lakes in the vicinity of the forest will help attract tourists to the State and many of them are enjoying the recreational facilities of the forest. As the potential use develops, the towns and villages surrounding the forest will be increasingly benefited through sale of goods and services. It is believed that we should eventually be able to build recreation usage to a point where we would have more than a million visitors annually. Since many of the people who use these areas are local people, the average expenditure per individual would be low. Hence, if we figure that each user would spend two and one-half to five dollars per visit, it would mean that two and one-half to five million dollars annually would be spent in the immediate areas.

If we attract more and more outside people, the expenditure per visit will increase and it may be possible to expand local tourist business to more than the \$5,000,000 indicated above.

I do not have any pictures showing the deteriorating conditions of the areas due to the lack of maintenance funds. I will attempt to obtain some if at all possible and also try to supplement the information attached. This is primarily a quick attempt to get you some usable information promptly.

Very sincerely yours,

PAUL H. GERRARD, *Forest Supervisor.*

OZARK NATIONAL FOREST,  
Russellville, Ark., March 8, 1949.

HON. BOYD TACKETT,  
*House Office Building, Washington, D. C.*

DEAR MR. TACKETT: Reference is made to my letter of January 15, in which I promised to send you some pictures showing the amphitheater and other recreation facilities which were in a bad state of repair. I have assembled a few of the pictures which you desired but was unable to obtain any showing the same structures when they were first constructed. Also, I was not able to obtain any recent, up-to-date pictures showing our areas at the present time. Practically no pictures of recreation facilities have been taken since before the war.

The booklet contains pictures showing maintenance needed at Cove Lake spillway, the amphitheater at Cameron Bluff on Mount Magazine and the picture of a wooden table showing the deteriorated conditions. We have replaced about one-half of the original tables with a rock and concrete type in order to reduce maintenance costs in the future. Usually such tables as is shown in the picture are removed from the area but the one shown is a typical illustration of what happened to our picnic facilities of a period of years. We still have a large number of concrete and rock tables to install in order to meet the public demand.

The Spillway at Cove Lake was never completed. For several years, however, it was used until it began to seriously undercut the concrete. Since then the lake has been maintained at a low level to prevent further damage. Some \$80,000 to \$90,000 would be required to complete the spillway and take care of the erosion problem in the immediate area. The Cove Lake area (160 acres) has not received heavy use since water level has been lowered as it interferes with swimming to a considerable extent and detracts from the scenic attractions of the area.

The amphitheater was constructed as a part of the WPA and CCC program and fortunately sufficient consideration was not given to water drainage and to a little higher standard of construction. This, coupled with the lack of maintenance during the war years and since, now results in a heavy maintenance job to rehabilitate it.

Included in the booklet are a few pictures showing some of the areas shortly after construction. Also some pictures which were used by the Resources and



Development Commission to advertise the State. While these pictures themselves do not indicate any lack of maintenance, there are facilities immediately adjacent which need a considerable amount of work. Also included in the back of the book is a leaflet regarding Mount Magazine lodge, and a mimeographed sheet outlining the status of recreational facilities on the forest.

We have made some progress in replacing and rehabilitating some of the smaller items such as tables, fireplaces, benches, and an occasional roof repair job, etc., but we just have not had the funds available to take care of anything of even a halfway major nature nor do we see any possibility of doing so on our present base of allotment funds.

Trusting this will be of use to you, I am

Very sincerely yours,

PAUL H. GERRARD. *Forest Supervisor.*

#### FOREST AREA GROWTH, OUACHITA NATIONAL FOREST, 1907-47

The Ouachita National Forest was created December 18, 1907, by proclamation of President Theodore Roosevelt. Several hundred thousand acres of public land in the highlands of western Arkansas, because of their value for growing timber and protecting the watersheds of streams, were set aside for the public good as the Arkansas National Forest. From time to time since then additional acreage has been added to the forest from the public domain until the total now so reserved is 636,256 acres. The Oklahoma portion of the forest was added in 1930.

In 1926 the name of the forest was changed from the "Arkansas" to the Ouachita National Forest.

The purchase of land for national forest purposes was first authorized in 1911 by the passage of the Weeks law. This law made funds available for the purchase and management of forest lands as a means of protecting the headwaters of navigable streams. Since that time a total of 769,200 acres have been added to the Ouachita National Forest by direct purchase.

The rate of purchase depends upon the amount of funds available. Between 1935 and 1940 the acreage in the Ouachita Forest was practically doubled by the purchase of cut-over timberland within the proclaimed forest boundary. During the war the land-acquisition program was greatly curtailed. Limited funds for this purpose were again made available in July 1946. Considerable acreage within the forest boundary remains to be acquired to consolidate present holdings, make administration more efficient, and to facilitate public use.

The construction of many flood-control reservoirs on streams flowing from the forest emphasizes the need for stream and soil stabilization to protect these projects. The best known means of doing this is to keep the watersheds of these streams covered with trees and grass.

Below is a table giving the acreages in the Ouachita National Forest, and certain other data, and on the following page is a graph illustrating the growth of the forest and the gross acreage within the forest boundary, by years from 1907 to 1947.

#### *Forest land information, July 1947*

How acquired	Acrees	Percent of total
Reserved from public domain .....	636, 256	43
Acquired by purchase .....	769, 200	52
Acquired by exchange .....	79, 963	5
Acquired by donation .....	92	
Transferred from other agencies .....	40	
Total owned by United States .....	1, 476, 551	100

Average price paid per acre \$2.39.

Total acres inside forest boundary ..... 2, 423, 795

Percent of gross total owned by United States ..... 61

Mr. TACKETT. I have no other statement to make, unless the committee cares to ask some questions.

Mr. GRANGER. Are there any questions?

Mr. GATHINGS. In your particular district, Mr. Tackett, just how many recreation facilities have you? How many of these areas are located in Montgomery County and other counties in the Ouachita National Forest?

Mr. TACKETT. I have a list here that I will submit. It is a long list showing the recreational areas within both national forests. And I also have a map, here, which will set forth the locations of these areas. But I do not know the number.

Mr. GATHINGS. There are a number of them?

Mr. TACKETT. Oh, yes.

Mr. GATHINGS. Mr. Chairman, I think it would be a good thing to have that in the record.

Mr. GRANGER. You desire to put that in the record?

Mr. TACKETT. Yes. I will furnish that, too.

Mr. GRANGER. Without objection, it may be inserted.

(The material referred to is as follows:)

*Recreation areas in Ouachita National Forest, Ark. and Okla.*

Name	Year constructed	Location	Cost
Clear Fork organization camp.....	1939-41	Garland County...	\$59,925.96
Ouachita recreation area (leased to Army-Navy Hospital).....	1936-39	do.....	20,643.83
Charlton recreation area.....	1936-39	do.....	30,695.54
Iron Springs.....	1927-37	do.....	7,458.06
(\$338.62 of this from regular funds.)			
Lake Sylvia recreation area.....	1936-40	Perry County.....	68,289.82
South Fourche recreation area.....	1935-37	do.....	3,813.88
Collier Springs recreation area.....	1936-38	Montgomery County.....	2,162.40
Alhert Pike recreation area.....	1935-36	do.....	4,269.39
Crystal Springs recreation area.....	1926-39	do.....	15,102.40
(\$188.35 of this from regular funds.)			
Shady Lake recreation area.....	1937-40	Polk County.....	93,443.23
Bard Springs recreation area.....	1938-39	do.....	26,417.30
Mine Creek recreation area.....	1926-37	do.....	6,335.09
(\$1,714.64 of this from regular funds.)			
Jacks Creek recreation area.....	1937-39	Logan County.....	21,764.81
Knappers Ford recreation area.....	1935-37	Scott County.....	3,464.84
Sugar Creek recreation area.....	1926-36	do.....	1,248.56
(\$416.34 of this from regular funds.)			
Total Arkansas.....			365,062.11
Cedar Lake recreation area.....	1936-38	LeFlore County.....	170,648.25
Billy Creek recreation area.....	1936-38	do.....	8,740.03
Horse Thief recreation area.....	1936-38	do.....	7,278.06
Total Oklahoma.....			186,666.34
Grand total—Ouachita National Forest.....			551,728.45

STATUS OF RECREATIONAL FACILITIES, OZARK NATIONAL FOREST

The Ozark National Forest has 12 recreation areas which vary from a picnic spot with a few tables and fireplaces to a 160-acre lake with adjacent developments and, also, to a 26-room lodge with 18 cabins. During the war years, practically no money at all was spent on maintenance. Since the war, insufficient funds have been received to rehabilitate them to their original State; also, there were a few projects which were only partially completed at the start of the war and which have not as yet been completed.

Recreational use is increasing in the forest. For instance, we had 183,700 recreation visitors in 1947 and about 345,000 in 1948. About one-half of this increase is due to more carefully prepared estimates and the remaining 50 percent is the actual increase which has occurred in spite of the fact that our recreation areas have not been maintained to the extent that we should honestly publicize them to encourage additional usage. Last year there was a general increase in recreation visitors throughout northwest Arkansas. This tourist business can be tremendously increased when recreational facilities are once placed in condition

to attract and hold visitors. These areas have as potential customers the population of the States south, east, and west to draw from. For instance, there are approximately 20,000,000 people within a radius of 200 miles from the State of Arkansas. Extending this to a little large area, say 500 miles, we find 56,000,000 people living within this radius.

The national forest, with its conservation program, its development of game, recreation and scenic areas, timber, and the numerous forest roads, offers an unusual combination of attractions not ordinarily found elsewhere. It offers a quiet retreat in natural forest conditions in an area of exceptional scenic values. Its high elevations provide the first opportunity for relief from the heat of the lowlands to the south such as Louisiana, Texas, and parts of Oklahoma as well as most of the State of Arkansas.

#### MOUNT MAGAZINE (LOGAN COUNTY)

The area set aside to provide recreation covers an area of nearly 2,000 acres. Facilities consist of a 26-room lodge, 18 cottages and a small concession building all of which are a part of the resort area. In addition, there are picnic areas at Brown Springs, Dripping Springs, West End, East End, Cameron Bluff, and the Green Field place. Cameron Bluff has been developed somewhat more intensively and includes an amphitheater, a number of picnic tables, toilets, etc. A summer home site area has also been designated as a part of the development.

The original investment for this mountain area totaled \$108,323 of which \$85,822 was the cost of the resort area and \$22,501 the cost of the picnic areas. It is estimated that \$40,000 would be required to rehabilitate the facilities in first-class condition.

The resort area has never attracted many people in spite of its high elevations and unusual scenic attractions due to the lack of a paved road. The cost of such a road on the 21 miles within the forest from Havana to Paris would be in the neighborhood of \$180,000 to \$200,000 including road-bank stabilization. With a paved road it would be possible to increase the tourist business perhaps as much as 10 to 15 times over that of the present. It would also extend the season from the present 2 to 3 months to a 6 to 8 months of the year.

#### COVE LAKE (LOGAN COUNTY)

Cove Lake recreational area covers an area of about 600 acres. It includes a 160-acre lake, bathhouse, picnic facilities, etc. Of the original investment of \$184,735, the dam cost \$156,729 and the other facilities \$28,006. The biggest job at this area is the completion of the spillway of the dam which is estimated to cost in the neighborhood of \$80,000. This is urgently needed in order that the lake level may be maintained at the planned elevation and permit full usage of the lake. The cost of maintaining and replacing picnic facilities, additional water, shelters, as well as some very simple overnight cabins and an eating place would amount to about \$51,100 or a total of \$131,100 for this area.

The contemplated 20 overnight cabins, eating place, bathhouse, and latrines are to provide inexpensive recreational facilities for local people as well as tourists. It is contemplated that a sleeping cabin with a picnic table and fireplace outside could be rented for in the neighborhood of \$12 to \$15 per week and retire the investment over a period of time. Improvement and development of fishing by making a small charge and using the money to improve the lake is another contemplated self-maintained proposed development.

#### SPRING LAKE (YELL COUNTY)

Spring Lake recreational area covers approximately 420 acres including an 80-acre lake, bathhouse, picnic facilities, and a caretaker's residence. The total investment is \$253,540, of which \$183,565 is the cost of the dam, and \$69,975 represents other facilities. A cabin development similar to that of Cove Lake is planned here which, together with the necessary maintenance work to rehabilitate the area and facilities, would cost in the neighborhood of \$45,600.

#### LEE'S CREEK (CRAWFORD COUNTY)

A small picnic area with swimming facilities at Lee's Creek with an original investment cost of \$2,500 requires almost complete rehabilitation which would cost in the neighborhood of \$2,500.



## CHERRY BEND (FRANKLIN COUNTY)

This is a small roadside area on Highway 23 in need of complete rehabilitation for picnic tables, toilets and water at a cost in the neighborhood of about \$1,200.

## GRAY'S FOREST CAMP (FRANKLIN COUNTY)

Gray's Forest camp is a small picnic area containing a number of fireplaces, tables, shelters and toilets and will require about \$1,100 to place it in first-class condition.

## WHITE ROCK RECREATIONAL AREA (FRANKLIN COUNTY)

This area covers about 600 acres including a number of picnic tables, fireplaces, toilets, three shelters, a concession building, three cabins, as well as a water supply, all of which originally cost \$76,585. To place this place in good condition would require about \$6,100.

## SHORES LAKE (FRANKLIN COUNTY)

This covers an area of approximately 700 acres. It was designed to provide an 80-acre lake, organization camp, picnicking, camping, and a summer home site area. The dam is about one-half completed and the organization camp is practically completed except for water and some additional construction. Investment to date on the dam is listed on our books as \$448,882 and investment in the organization camp and grounds as \$35,085. It is estimated that it will require about \$200,000 to complete the dam; \$15,000 to complete the organization camp which has a capacity of 125 to 150 people; about \$25,000 to provide diving docks, toilets, picnic areas, shelter,s etc.; \$6,000 for landscaping; and about \$19,500 to provide water and sewerage facilities for the entire area. Entrance road signs and miscellaneous would amount to another \$5,000 or a total of about \$270,500. The organization camp will be operated on a somewhat makeshift basis by a local group this coming season.

This area when developed and completed will be one of the most attractive and popular areas within the Ozark National Forest. Its development will increase the usage of the concession building and cabins on White Rock Mountain and make them a going concern.

## BAYOU BLUFF RECREATIONAL AREA (POPE COUNTY)

This contains an area of about 200 acres with toilet facilities, bathhouse, picnicking and three small overnight cabins, and an undeveloped swimming pool on Illinois Bayou Creek. The investment in this area to date is \$13,611. To rehabilitate this area, provide drinking water and construct a low dam, it is estimated it would cost in the neighborhood of \$6,500.

## BARKSHED FOREST CAMP (STONE COUNTY)

This is a small picnic spot on Barkshed Creek with facilities for swimming, picnic tables, shelters and toilets. The investment to date on this is \$6,196. To rehabilitate this area, it would cost in the neighborhood of \$4,900.

## BLANCHARD SPRINGS RECREATIONAL AREA (STONE COUNTY)

This unusually attractive area consists of a shelter, picnicking facilities, toilets, etc. The parking area was never completed. To rehabilitate the area and provide a parking area, it would amount to \$8,700.

## BLANCHARD SPRINGS ORGANIZATION CAMP (STONE COUNTY)

This organization camp with a capacity of 125 to 150 people is completed except for water supply, completion of bath-house and latrines, and miscellaneous work on the grounds such as signs, fences, etc. It is estimated that \$32,000 will be required to complete this camp to where it could be put into use.



## SUMMARY

The estimated cost to rehabilitate all the area on the forest is summarized below:

Mount Magazine:		
Rehabilitation of recreational facilities .....	\$40, 000	
Road to Magazine Mountain within the forest from Paris to Havana .....	180, 000	
		\$220, 000
Cove Lake:		
Completion of spillway .....	80, 000	
Completion of rehabilitation and additional facilities .....	51, 000	
		131, 100
Spring Lake: Rehabilitation and additional facilities .....	45, 600	
Lee's Creek: Rehabilitation of area .....	2, 500	
Cherry Bend: Rehabilitation of area .....	1, 100	
Gray's Forest Camp: Rehabilitation .....	1, 100	
White Rock: Rehabilitation .....	6, 100	
Shores Lake Dam:		
Completion .....	\$200, 000	
Completion organization camp, swimming and picnic-ing facilities .....	70, 500	
		270, 500
Bayou Bluff: Rehabilitation .....	6, 500	
Barkshed: Rehabilitation .....	4, 900	
Blanchard Springs recreational area: Rehabilitation and parking lot ..	8, 700	
Blanchard Springs organization camp: Additional construction and rehabilitation .....	32, 000	
		730, 200
Total .....		730, 200

The above outline has been prepared to give an idea as to the amount of investment in recreational facilities and the amount needed to rehabilitate and complete them in accordance with original plans. It is not expected that any such sum could be made available at the present time or even for a considerable time in the future, considering the national debt and the present necessary expenditures. However, if the areas are to be made attractive to visitors and capitalize on these developments, an addition to the present amount of maintenance money will be needed over a period of years to permit their rehabilitation.

Procedures have now been worked out whereby the operator of a concession is required to do a certain amount of maintenance work. This will help us to some extent in the future, but still will not be sufficient to rehabilitate the areas.

The proposed cabin developments at Spring and Cove Lakes would not only provide a highly needed recreational facility, but would provide an operation which would attract and justify a concessionaire on a business basis, at the same time reducing the necessity of providing a recreation guard for policing, cleaning up, etc., as this would be made a part of the concessionaire's job.

Consideration is also being given to setting a small charge, say 25 to 50 cents per car for the use of picnic tables and facilities on the areas. While such charges will of necessity be limited to the larger areas where the amount of usage and the facilities for collecting the charge would justify the expenditure such as Spring Lake, Cove Lake, White Rock and perhaps Blanchard Springs areas, this would be the introduction of a new practice and its adoption will have to be handled very carefully until local people became accustomed to it. This is mentioned primarily as a means which we plan to adopt in order to place the areas a little more on a self-sustaining basis.

In regard to priority, each area serves a specific locality and all deserve consideration. The most immediate returns perhaps would result from completion of Cove Lake spillway followed by Mount Magazine Road. Then those areas having possibilities of heavy usage and being handled and largely maintained by concessionaires such as Cove Lake recreational area should receive consideration.

Mr. GRANGER. How much money would 10 percent raise for your particular State?

Mr. TACKETT. I do not know. I might tell the chairman that before I introduced this bill, I talked with the Forest Service and I talked with the representatives from the Department of Agriculture,

to ascertain what would be a sufficient amount of money, and it was suggested that 10 percent would be reasonable.

As to the amount of money, I expect the Department of Agriculture can give you more detailed information than I can on that.

Mr. GRANGER. I agree with the gentleman that it is a shame that all of these fine facilities, built during the days of the CCC, have been allowed to deteriorate. It is criminal, almost, that we have not been able to do anything to preserve them. There are many of these facilities, throughout the whole country. To my own personal knowledge, there are more than a few that are idle, and that should be rehabilitated. Some of them perhaps should not. But there has been a lot of money expended by the taxpayers of this country that is just being allowed to go to waste.

I am glad the gentleman introduced this bill.

Mr. TACKETT. Thank you.

Mr. GATHINGS. Mr. Chairman.

Mr. GRANGER. Mr. Gathings.

Mr. GATHINGS. Mr. Tackett, what population would these particular Arkansas facilities serve? What cities are near these recreational projects, and what population lies within a radius of 100 or 150 miles?

Mr. TACKETT. Well, in a radius of a hundred miles from these recreational areas that I have in mind, there would be several million people.

Mr. GATHINGS. What cities?

Mr. TACKETT. Of course, Little Rock would come in there, and Oklahoma City, also Tulsa, Okla., and Texarkana, and Fort Smith. And that would cover even a city as far away as Dallas, Tex., almost. You see, if you were to take an area of a hundred miles around this recreational area, you would get into several States.

Mr. GATHINGS. The point I am trying to bring out is that there is a need for recreational facilities in that particular area of Arkansas and Oklahoma.

Mr. TACKETT. Yes. And the statements that I will introduce, here, will show you exactly the number of people that have come to these shabby places for recreational purposes, even last year.

Mr. GATHINGS. What about fishing? Is it good for fishing?

Mr. TACKETT. Yes, sir; these various lakes were constructed for fishing and swimming and so forth. Yet last year the Forest Service had barely enough money to clear away the grass and weeds that have grown up, in order to try to make it a good swimming place. In other words, it has just been down to nothing.

I show you a picture of the amphitheater, there, which is over a great bluff, over in the Mount Magazine recreation area. I do not know how many thousand dollars it cost, but it seats several thousand people. Anyway, you can look at the picture and see that they might just as well not have constructed it. It is just falling apart. It is not even safe to be around the place.

The spillway, there, at Cove Lake has never been completed. When the WPA and CCC moneys ran out, they left this project just about half completed, and the Forest Service has not had the money to take advantage of the intentions and purposes of the construction.

(The material submitted by Mr. Tackett in connection with the Mount Magazine recreation facilities is as follows:)

RECREATION FACILITIES, MOUNT MAGAZINE RANGER DISTRICT, MOUNT  
MAGAZINE

The recreation area covers an area of nearly 2,000 acres. Facilities consist of a 26-room lodge, 18 cottages, and a small concession building, all of which are a part of the resort area. In addition to this, there are Brown Springs, Dripping Springs, West End, East End, and Cameron Bluff picnic areas as well as the Greenfield place. With the exception of Cameron Bluff, these are all small picnic areas. Cameron Bluff was developed somewhat intensively and includes an amphitheater, a number of picnic tables, and two incinerator-type toilets. The plans also contemplate a summer home site area which has been set aside for this purpose.

Little maintenance work was done on the area during the war years and only limited funds have been received since then. These have not been sufficient to rehabilitate the areas though the Forest Service has made a little progress in replacing picnic tables and fireplaces along with maintenance of the lodge and cabins. It is estimated that the cost of replacing the facilities, maintaining the areas, cabins, lodge, and grounds will take in the neighborhood of \$40,000. Summer home sites can be made available whenever water arrangements and facilities can be arranged. The above costs do not include water service to the summer home site areas.

The matter of obtaining sufficient water is quite a problem on the mountain, though by careful handling the lodge and cabins have been adequately supplied.

Magazine Mountain is an attractive and scenic point but has had comparatively light use since it was constructed. A part of this is due to the lack of a paved road to reach the mountain. The cost of such a road, on the 21 miles within the forest from Havana to Paris, would be in the neighborhood of \$180,000, including road-bank stabilization. There still would be several miles on each end of the road outside of the forest which would also have to be paved. Until this year the recreation season on practically all of the forest areas has been only about 3 months' duration. This necessitates that an operator charge rates comparable to resort areas in other States in order to break even. As a result, a good portion of the business at the lodge and cabins has come from distant places.

With the entire area rehabilitated and put in first-class condition and a paved road provided, it would attract a great amount of use. Just how successful it will be will depend quite largely upon ability, ingenuity, and the resourcefulness of the operator as well as adequate set-up and experience in operating such a concession.

Mount Magazine was developed as a part of the WPA and CCC programs. The original investment of the area was \$85,822. The picnic areas on the mountain represent an investment of \$22,501, or a total of \$108,323 to date.

COVE LAKE

Cove Lake recreation area covers an area of about 600 acres. It includes a 160-acre lake, bathhouse, diving dock, and picnic facilities. The total investment is \$184,735, of which \$156,729 represents the cost of the dam and \$28,005 the cost of the bathhouse and recreation facilities. The condition of the facilities here are similar to those on Mount Magazine and a lot of rehabilitation and maintenance work is needed. The biggest job is completion of the spillway on the dam which is estimated to cost around \$80,000. This is the first job which should be completed in order that the lake level may be maintained at the planned elevation. The cost of maintaining and replacing picnic facilities, providing of additional water, shelters, latrines, cabins, and eating places would amount to about \$51,100, or a total of \$131,100.

Additional facilities which are contemplated and included in the above estimates are the construction of 20 or more inexpensive overnight cabins, an eating place, and a combination wash-bathhouse and latrine, to provide inexpensive rental cabins to meet the needs of the local people. Such facilities should be rented in the neighborhood of \$12 per week and take care of a family of four or five.

Improvement and development of fishing is another possibility through making a small charge and using this money to improve the lake and handling fishing on an intensively managed and regulated use basis. It is our thought that cabin development might well be put in by private operator and the entire concession



operated on a term permit basis. The cost of constructing the cabins, bath-toilet house, and water facilities would be around \$27,000. This amount is included in the \$51,100 above.

#### SPRING LAKE

Spring Lake recreation area covers approximately 420 acres including an 80-acre lake, bathhouse, picnic facilities, and a caretaker's residence. It was constructed at a cost of \$253,540, of which \$69,975 represents investment in the facilities and \$183,565 the cost of the dam. General maintenance for improving the present facilities such as replacing tables, fireplaces, repair of grounds, wells, additional water facilities, and reworking or converting shelters, etc., will cost around \$45,600. Here again, I believe that cabin development together with a small eating place as proposed on Shores Lake can eventually be arranged through private capital, the cost of which would be close to \$27,000 and is included in the \$45,600.

#### SUMMARY

During the calendar year 1947 we estimated that the Magazine district had 83,000 visitors, the major portion of these was a direct result of the three recreation areas. Usage for the year 1948 was estimated to be 107,000 visitors. This indicates that recreation and tourist business can be developed to the point where it can contribute materially to the local economy. Also, that it should eventually be able to carry its own cost. Mount Magazine really requires a paved road before it will be used very extensively. It is a pretty and scenic area, which, I believe, can be operated as a high-class resort and attract considerably more visitors than it has in the past.

We are at the present time considering the possibility of blacktopping a portion of the road from the forest boundary on the north toward the mountain (approximately 4 or 5 miles). Funds for this have been required in connection with Forest Service road programs.

Mr. GATHINGS. Can local interests furnish any funds for the purpose of maintenance and repair?

Mr. TACKETT. I think the Forest Service has tried that, and it has been a complete failure. You know, this is just all open territory, open area, for hundreds of miles. And they have no way of collecting money from people that come there for the day and have a good time and go swimming, and so on. There is just no way of doing it.

Mr. GRANGER. Are there any facilities there that are now being maintained by the Forest Service?

Mr. TACKETT. Yes, sir; the Forest Service has done a wonderful job with the amount of money that they have had. They have tables all around, over the various areas, and they have all of it arranged so that it may be used by the public; but at the same time, they just have not had enough money to keep these areas in suitable condition for the tourist trade that would come there.

Mr. GRANGER. Is there any stream pollution there? Is that a problem?

Mr. TACKETT. Yes, sir. That is one of the most important problems there now, one of the gravest problems. As I said a while ago, they did not have the money until just a few days ago down there in Shady Lake, which is down near Mena, Ark., to make it suitable for swimming purposes. It was just filled up. That was that fine lake that I showed you a picture of, taken when it was being constructed. I do not have a picture of the predicament it was in a few days ago; but I personally saw the lake this last winter, and it had grown up into weeds so that a person could not go in swimming in it. However, I think it has been cleaned out recently.

Mr. GATHINGS. Are these areas accessible by road, or State highway?



Mr. TACKETT. Yes, the WPA and the CCC also built roads all over these areas. But just like everything else, the roads are going down.

The Forest Service does have enough money to take care of the main roads; because, you will recall, this Congress some few years ago allowed 10 percent of the sale of timber to be used in the construction and maintenance of roads. So they can take care of the main roads. But the trailways, and so on, that would be accessible to the public are just going down to nothing.

Mr. GATHINGS. Would this 10 percent asked in your bill produce sufficient funds to do considerable repair work and maintenance, in your opinion?

Mr. TACKETT. Yes; and I am basing that solely on the information I have received from the Forest Service and from the Department of Agriculture. They say that is a reasonable amount.

Now, I think that that would be some of the best money that could be spent in this country. It will open up a great area to the people, and at the same time it will keep us from losing all the money that has been spent in the past. I cannot see why we would spend millions and millions of dollars upon these various areas throughout the United States and then just let them deteriorate and go down to nothing, and lose everything that we have put into them.

Mr. GATHINGS. The amount of money realized from the sale of timber could be had from the Department, I suppose. I presume the figures are available.

Mr. TACKETT. Yes, sir. I am sure they have the figures.

Mr. GRANGER. Are there any other questions?

Thank you very much.

Mr. TACKETT. Thank you.

Mr. GRANGER. We will now hear from our colleague from Washington, Mr. Jackson, who wants to make a statement.

#### STATEMENT OF HON. HENRY M. JACKSON, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF WASHINGTON

Mr. JACKSON. Mr. Chairman, I am only going to take a minute of the committee's time. I am here in support of the general proposition submitted by Mr. Tackett. I understand he has an amendment or two to his bill. The point is that I think some legislation ought to be enacted which would provide for a portion of the receipts to be made available for the maintenance, operation, and construction of recreational facilities in our national forests.

I come from a great forest area, the Pacific Northwest. I presume that in Washington and Oregon we have the greatest stand of timber in the United States, and we have some of the finest recreational areas in the entire country.

The history of these projects, I think, has been pretty much tied to the depression years. The general policy has been to spend a lot of money during the depression years, when we were trying to find work, to build projects; and then, when that period had come and gone, we just left them there, without any provision for maintenance. I think what is needed is a balanced program, so that there will be money available each year on a balanced basis to maintain these projects.

I have had a limited amount of experience in connection with this recreational problem. I happen to be a member of the Subcommittee on Appropriations for the Interior Department, and we handle all the funds for the Park Service. And I know that the amount of money made available to the Park Service for recreational purposes is much greater than that which the Forest Service has available for similar purposes. Yet, at the same time, I believe the Forest Service has about 10 times the area to cover.

There is something unique about the program that the Forest Service is engaged in, and that is this: That your national forests extend into some 38 States in this country. They cover a great area, and there is a great dispersion of recreational units; and for that reason I think that some special consideration ought to be given to this problem.

The most important suggestion and comment that I could make is on this matter of the need for a balanced program, in order that there may be some reasonable way in which these projects can be maintained and operated. There is no sense in appropriating a substantial sum of money one year for maintenance and operation, and then the next year cutting the appropriation by a very large amount.

I think the diversion of receipts provides for that balance better than any other suggestion that I, at least, could make. Appropriations vary from year to year. Your receipts will vary slightly, but they will be geared to the use which is being made of the natural resources administered by the Forest Service.

I hope that the committee will give favorable consideration to the proposal that Congressman Tackett from Arkansas has made to you this morning.

Mr. GATHINGS. Mr. Chairman?

Mr. GRANGER. Mr. Gathings.

Mr. GATHINGS. Did you want to put in an additional word, Mr. Jackson? I believe you said "for construction." Did you not want to add an additional word to what was included in the Tackett bill? Did you want to make it broad enough to include construction?

Mr. JACKSON. As I said at the outset, it was my understanding that Congressman Tackett had an amendment that he was going to offer; and I was directing my remarks to the general proposition of making available a certain portion of the receipts. Whatever clarifying language is needed to cover this entire operation, of course, should be included in the bill. I do not believe I said anything about construction. I will be happy to clarify the record. I am in support of the general proposition of allowing a certain portion of the receipts to be made available each year for operation and maintenance and construction of facilities in the national forests for recreational purposes.

Mr. GATHINGS. I agree with your version, too. I think that the language ought to be broad enough to cover construction.

Mr. JACKSON. Yes. It should not be limited to operation and maintenance. I have not examined the language of the bill very carefully. It says:

Ten per centum of all moneys received from each national forest during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for recreational purposes within such national forest.

I am not familiar with the section of the act that is being amended, so I am not too sure exactly for what purpose the funds can be used

under the proposed bill. But I would like to suggest to the committee that those funds be made available for two purposes, in the discretion of the Department: one, for operation and maintenance, and, two, for construction, reconstruction, and rehabilitation, of facilities in the recreational areas within the national forests.

Mr. GATHINGS. I am of the opinion that it ought to be that broad and I just wanted to touch on that point.

Mr. JACKSON. I do not believe that it would be very helpful, in dealing with the many problems that you have in this field, to have limiting language. Because a situation may arise in which the Forest Service will need to act right away, and they will be in a very difficult position if the funds are to be limited to just operation and maintenance.

Mr. GRANGER. I understand that the proposed language, under Mr. Tackett's amendment, would be:

Ten per centum of all moneys received from each national forest during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for the development, maintenance, and operation \* \* \*.

It seems to me that that language is broad enough to do that.

Mr. JACKSON. I do not know what "development" would include. I would suggest, if the committee wants to define "development" in the report, that you include construction, reconstruction, and rehabilitation of recreational facilities within the national forest. I think then you will have covered most of the activities now engaged in by the United States Forest Service in the national forests. That is purely a matter of construction of language, and I merely want to explain my intent, in this, and I am sure that the gentlemen from Arkansas will probably go along on that suggestion.

Mr. TACKETT. Mr. Chairman, if the gentleman will yield, I will say that somewhere there is some legislative precedent that does interpret moneys used for recreational purposes to include all that the gentleman has mentioned. However, I would not object to an amendment to that effect, to be sure it is covered.

Mr. GRANGER. Are there any other questions?

Thank you very much, Mr. Jackson.

Mr. JACKSON. Thank you.

Mr. GRANGER. I will now call upon my distinguished colleague, Mrs. Bosone.

I know you are interested in this legislation, Mrs. Bosone, and I would be very glad to hear from you.

#### STATEMENT OF HON. REVA BECK BOSONE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF UTAH

Mrs. BOSONE. Mr. Chairman and gentlemen of the committee, if you do not mind, I will stand. I am very happy to appear before a subcommittee that has as its chairman my beloved colleague, Mr. Granger. I am quite sure that what I may say Mr. Granger is thoroughly familiar with.

I come from Salt Lake City, and we have four or five canyons, mountainous recesses, near enough to Salt Lake City so that all we have to do is to drive 5 minutes to one canyon, 10 minutes to another, and 15 minutes to three other canyons. I believe I am correct in saying that the Wasatch Range accommodates next to the greatest



number of tourists of any range in the United States. I have forgotten the name of it, but I believe there is one eastern range that accommodates a larger number, and the Wasatch Range accommodates the second greatest number of people, running into the millions. To those of you who come from the eastern seaboard and have not gone out West, that is pretty difficult to realize, because you are so thickly populated here and you do not think we have much of a population. But we have enough people from our area visiting this range, plus all of the tourists, to send the total to over a million people.

It seems to me that it is penny wise and pound foolish, that it is not right, that we cannot use our mountainous recesses for recreational purposes. And if we are going to use them for recreational purposes, then we must supply those facilities which will accommodate campers and tourists.

There are hundreds of roads leading into our western mountainous recesses, and if we continue to charge a fee, it is going to be necessary to patrol the various roads, and the various small canyons in order to keep the campers disciplined. If you have the various camps with the required facilities, then you are not going to require so much patrolling. It seems to me it is a terrific extravagance. Besides, it is just not right to take our canyons, which are our backyards, our gardens of the West, and charge for them. I think it would be extravagance, too, because I know you have had the same experience in the East as we in the West, that people do not feel as though they want to pay the money for camping ground, and prefer to camp somewhere else, where there is no forest ranger to keep an eagle eye on them, and where they may throw a cigarette down and cause a forest fire. And, as you know, some of those forest fires have cost the United States millions of dollars. One of them, not so long ago, I am informed, cost about \$90,000. So it is a great extravagance.

But more than that, I feel there is a rightness and a wrongness about this proposition. I just cannot imagine charging our American people, the fathers and mothers of this country, money for going into some canyon to camp, or for enjoying the fresh morning breeze some Sunday. And believe me I would have just given anything, this last 30 days, to have cut through and got some of that cool air out of the West for just a few minutes. And I think some of you feel the same way.

I think it is really a great injustice for the Government to charge a fee to go into these mountainous recesses. I think the American people are entitled to this. They have had it in the past, and I cannot see any reason for their not having it in the future. And that is the reason I am here this morning: to plead more the rightness of it, than the great extravagance of saving a few pennies.

I have had many protests from the State of Utah on having to pay 50 cents, I believe it is, up at Mirror Lake. They just resent it, because they have been used to going into those canyons without that. But since we cannot patrol hundreds of miles, and since we should cut the extravagance, and because of the rightness of this measure, I am here to plead with you members of the committee that something be done in this situation. And if Mr. Tackett's bill does it, I am for it.

Thank you very much.

Mr. GRANGER. Any questions?



Thank you very much, for your fine statement.

Mrs. BOSONE. Thank you.

Mr. GRANGER. Have you any more witnesses, Mr. Tackett?

Mr. TACKETT. I think the Forest Service gentlemen are here.

Mr. GRANGER. Which one of the Forest Service men is to appear first?

**STATEMENT OF EARL W. LOVERIDGE, ASSISTANT CHIEF, FOREST SERVICE, DEPARTMENT OF AGRICULTURE, WASHINGTON, D. C.**

Mr. LOVERIDGE. I am E. W. Loveridge, Assistant Chief of the Forest Service.

This bill, as has been pointed out, would make available 10 percent of the receipts from each national forest for recreational purposes within those national forests.

It has also been pointed out that a somewhat similar law provides that 10 percent of the receipts may now be made available for roads and trails in the national forests.

As you know, the national forests are practically countrywide in distribution. They are located in 38 of the 48 States in the Union. There are some 220,000,000 acres within their boundaries. That is the equivalent of 1 acre in 10 of the total area of the continental United States. Another way of expressing it is that each man, woman, and child in the United States owns  $1\frac{1}{4}$  acres of national forest land.

I mention that wide distribution of the national forests, although it is well known to your committee, because it helps to bring out the widespread interest in the purpose of this bill.

For the same reason you will probably wish to note that last year public use of these areas for camping, picnicking, hunting, fishing, and so on, amounted to over 24,000,000 man-days. If travel through these areas in cars is included, the grand total was some 77,000,000 visits in 1948.

In other words, this bill deals with a subject of very wide public interest and concern.

As the Senate Committee on Appropriations stated on pages 9 and 10 of its report on the agricultural appropriation bill for 1950:

For nearly 50 years the national forests have been open to millions of our farm, ranch, and city people for camping, picnicking, and other simple forms of recreation. Such use of the national forests has been enjoyed with the minimum of restriction and without charge, and has been of great comfort as well as relief from oppressive heat in the summer months. It is of special importance to millions who cannot afford more expensive forms of recreation.

The cost of providing and maintaining the needed camp ground and other inexpensive facilities has been very low. More than such cost has been saved in the form of lower fire-fighting costs and lower losses to our national forest timber stands and safeguarding the purity of domestic water supplies by the grouping of people in camps with simple sanitary facilities and means for preventing forest fires.

There are undoubtedly special situations which justify charges for the recreation use, and the committee believes the Forest Service should expand its present studies and tests in that connection. It is the judgment of the committee, however, that the general form and policy of free use of the national forests for camping, picnicking, and similar general public recreation use should be continued, where it is not practicable to make charges to the users of such areas and that appropriations should be continued to provide adequate sanitation, fireproofing, and other simple facilities as may be required.

Mr. GRANGER. You were reading from a statement you made before the Appropriations Committee, I take it?

Mr. LOVERIDGE. No, sir. But I am glad you brought that up, Mr. Chairman. Because that was the report of the Senate committee itself, and not my statement.

Mr. GRANGER. That was the Senate committee report?

Mr. LOVERIDGE. The Senate Appropriations Committee report itself; yes, sir.

I would also, if I may, like to read from the report of the Secretary of Agriculture on this bill. He points out:

The Forest Service has long recognized recreation use as one of the major resources of national forest land. In response to public demand, the Forest Service has constructed and is maintaining, to the extent possible, some 5,000 public recreation areas, including camp and picnic areas, winter sports areas, organization camps, recreation trails, and similar developments.

\* \* \* \* \*

This volume of use—

and I mentioned to you that the total use has been 24,000,000 man-days last year, and a grand total of 77,000,000 visits in 1948—

has overtaken the capacity of many existing areas and has resulted in sanitation and fire-control problems which are a menace to public health and safety and to the preservation of the forest.

Our appropriations for recreation use and maintenance of recreation facilities have not kept pace with the increasing public use and the demands. As a result, the Forest Service has been unable to maintain all of its recreation areas in safe and sanitary condition, and has been unable to do more than a minimum of clean-up, garbage disposal, and fireproofing.

These large numbers of people using national forest recreation areas are also causing great concern to the Forest Service and to many cities and towns obtaining domestic water supplies from national forest watersheds. In many instances, national forest lands near cities are used both as sources of domestic water and as recreation areas for tourists, as well as for local people. It is entirely possible to have these lands serve both purposes, but in many cases the sanitary improvements on such recreation areas are not satisfactory and adequate considering the dual use. Unless better sanitary facilities are provided to protect the water supply of some towns and cities, it might be necessary to close important recreation areas, which would be vigorously opposed locally.

We are reasonably certain that 10 percent of the present national forest receipts would adequately provide for the present volume of recreation use. However, the provision of this bill which limits expenditures to the forest on which the receipts are collected would prevent the most effective use of the money, and would not solve all problems. Under this provision some forests would have more money than needed, and others would have an insufficient amount. This is because recreation use is heaviest on some forests near population centers where watershed protection is a prime objective, and large receipts for grazing and timber cutting are not received. It is also believed that the term "recreational purposes" in line 11 should be more specific.

In addition to recreation purposes served by developed camping and similar areas, it is generally recognized that wildlife resources provide important recreational activities. It is considered that this is included in the recreational purposes sought to be financed through this bill, but this point would be clarified by inclusion of the words "recreational resources," as recommended below.

It is therefore recommended that if Congress decides to enact the bill, it be amended to provide that receipts may be spent on any national forest in the State in which the receipts are collected. This could be accomplished by amending the language to conform with the language used in the act making similar provision for using 10 percent of national forest receipts for the construction and maintenance of forest roads and trails in the national forests (16 U. S. C. 501). The following revision is recommended, starting with "ten" in line 8:

"Ten per centum of all moneys received from the national forests during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for the development, maintenance and operation of national forest

recreational resources and areas within the States from which such proceeds are derived."

The 1950 budget includes \$1,076,000 for the Forest Service for administration of recreation use and maintenance of improvements in recreation areas on the national forests. This bill, if enacted, would provide, based on presently estimated receipts an additional \$3,000,000. This amount would vary, of course, from year to year, as the national forest receipts increased or decreased.

This proposed report was submitted to the Bureau of the Budget which expresses the view that recreational facilities should be financed through direct appropriation rather than by diversion of receipts, and that the legislation proposed by H. R. 2419 is not in accord with the program of the President.

Now, in concluding my statement, Mr. Chairman, let me point out that the appropriation for this work is, as I stated just a moment ago, about \$1,100,000 a year. Total needs, not for a single year, but for the over-all job over the years, exceed \$150,000,000. In other words, present appropriations are seriously inadequate.

The needs include sanitation, fireproofing, simple shelters, organization camps for underprivileged children, needed attention to wildlife protection and management, and many other classes of work.

We certainly agree with the Budget Bureau view that direct appropriation is much the preferred method of financing this work. However, if, in the judgment of the Congress, the method proposed in this bill is adopted, it will go a long way toward meeting the most urgent needs. Receipts last year were about \$32,000,000. Consequently, under this bill \$3,200,000 would be provided for recreation purposes. The revision—and I understand that Congressman Tackett has already made a similar proposal—is seriously needed.

That is the conclusion of my statement, Mr. Chairman.

We have with us here today, the Chief of our Division of Wildlife Management, Mr. Lloyd Swift, and the Assistant Chief of our recreation work, Mr. John Herbert, who are prepared to give any desired specific details. And fortunately, we have in town from the Far West, Mr. Chet Olson of Utah, who is intimately acquainted with the details, and it might be that you would like to have him speak briefly on this subject.

MR. GRANGER. Mr. Loveridge, why do you think it would be better to have direct appropriations made, rather than to have a portion of the receipts plowed back in?

MR. LOVERIDGE. The Budget Bureau prefers that the appropriations be handled that way, Mr. Chairman.

MR. GRANGER. Well, I know they do. But is that your thought too, that that would be the better way to handle it?

MR. LOVERIDGE. Our experience, Mr. Chairman, over the years, has been that direct appropriations are seriously inadequate. As I pointed out, of our total gross needs, we are only getting a fraction of what is needed at the present time. As Mr. Tackett pointed out in connection with the pictures he showed, our recreational improvements are just rotting down. Many were built with untreated timbers, because of the rush of the work to be done during the CCC days. Consequently, they are, as I say, rotting away. And in many other localities there just are no improvements. Consequently, based on past experience with direct appropriations, it appears, that in case direct appropriations cannot be made available, this form of appropriation would be very helpful.

MR. GRANGER. The Bureau of the Budget is opposed to it, because they figure it is a diversion of funds. Is that right?



Mr. LOVERIDGE. I understand that they do not like that form of financing.

Mr. GRANGER. Do you recall how much you asked for in the Budget this year, for recreational purposes?

Mr. LOVERIDGE. That is shown, as I just happen to recall, Mr. Chairman, on page 1005, part I, of the House hearings on the Department of Agriculture appropriation bill. And as I recall it, we asked for an increase of \$1,500,000 for recreation and wildlife management, plus an increase of \$500,000 for maintenance of improvements on those lands.

Mr. GRANGER. Do you happen to know what the Bureau of the Budget approved?

Mr. LOVERIDGE. The Bureau of the Budget did not allow any increase for those purposes.

Mr. GRANGER. Then the Bureau of the Budget takes the position that you should get direct appropriations, but they do not want to appropriate any money for it. Is that it? That is the way it adds up, is it not? That is the best way to do it, but they do not want to do anything?

I will not ask you to answer that.

I think in the appropriations bill there was some language, in the last appropriation bill, that authorized or directed you to experiment on collecting fees to enter the forests. Is that right?

Mr. LOVERIDGE. That was in the report, sir, of the House committee; and as I read from the Senate committee report, they also suggested that we carry out the experiment. We have been urged over the years by the Bureau and by the House to do so, and, of course, we try to be responsive to their desires. Consequently, this year we have selected some 50 recreation areas, scattered all over the United States, as sample plots, and are charging for the use of those areas this year.

I was at one in Colorado last week, Trappers Lake, a beautiful site; and although I do not want to forecast at this time how the tests will come out, we found there that the concessionnaire who was handling it had made a very intelligent distinction, I thought, that the people who come from some distance are not objecting to the charge, but the local people are objecting very strenuously. And I think that the point there is that there is a different situation as to people who can afford to come from a distance. We saw cars there from California, cars from Oklahoma, and cars from a distance. People who are wealthy enough to make trips of that sort do not object to kicking in the charge for overnight staying. But the local ranchers and the local people who cannot afford to take those long trips are protesting. Because, as the Senate committee report points out, the campgrounds have been used for over 40 years free of charge, and they are a great relief to the people from the hot valleys, who go up there in the forest country and get a breath of cool air.

Mr. SIMPSON. How much is the charge?

Mr. LOVERIDGE. The charge is nominal. It is 50 cents a night per car.

Mr. SIMPSON. Is that for camping privileges?

Mr. LOVERIDGE. For using the campgrounds; yes.

Mr. GRANGER. But what could easily happen, there, is this: If you were on a highway, and you ran across one of these campgrounds



where they charged, there would not be anything to stop you from going and finding a place of your own. Is that not right?

Mr. LOVERIDGE. I should have brought that out, Mr. Chairman. That is what is happening. It is dispersing the camping away from the group campgrounds out into the woods. And that is the serious fire danger that faces us.

Mr. GRANGER. That is the serious stream-pollution problem, too, is it not?

Mr. LOVERIDGE. Those two things; yes. If the campers are grouped in camps, we can keep control of them. If they scatter through the woods, they start fires all over, and unsanitary practices result in the pollution of the streams.

Mr. GRANGER. We are getting a lot of protests from the local people out there, I can tell you. I am afraid I will not be able to go back home if you do not get this straightened out. There are fishermen out there who have been used to going up there for years, and now they are charged 50 cents every time they go up.

Mr. LOVERIDGE. Our experience so far, too, Mr. Chairman, has been that it costs us more to collect these fees than we get from them on most of the camp grounds that I have attended. There may be some, when our study is completed, that will show a profit. But as you know, those of you who have been out in the national forests, it is a matter of just 2 units over here, and 10 over there, and we cannot afford to keep a collector of fees out there for the small amounts that they will receive. We do want to give it a fair trial, though.

Mr. GRANGER. Are you familiar with the national forest that the gentleman from Arkansas was concerned about?

Mr. LOVERIDGE. I have been on the Ouachita and the Ozark; yes. I entered the Forest Service in 1913 down there, and I have been back from time to time.

Mr. GRANGER. I imagine that whole forest, there, is honeycombed with roads; is it not?

Mr. LOVERIDGE. Yes.

Mr. GRANGER. In order to have any supervision at all, you would nearly be compelled to have somebody on each road; would you not?

Mr. LOVERIDGE. That is the correct idea. And the Arkansas forests, as Mr. Tackett brought out, are heavily used by people from out on the hot plains of Oklahoma and Texas and from the lowlands of Mississippi and all that country. They swarm into the Ozarks to cool off and to see some of the delightful country.

Mr. GRANGER. Thank you very much.

Mr. LOVERIDGE. Thank you, Mr. Chairman.

Mr. GRANGER. We will hear now from Mr. Herbert.

Mr. HERBERT (John Herbert, Assistant Chief, Division of Recreation and Lands, Forest Service, USDA). I have nothing to add, unless there are some questions, Mr. Chairman.

Mr. GRANGER. Who prepared the amendment suggested, here, to the subcommittee?

Mr. LOVERIDGE. I am prepared to discuss that, Mr. Chairman.

Mr. GRANGER. Our counsel would like to ask you a question.

Mr. HEIMBURGER. Mr. Loveridge, the question was raised by one of the gentlemen on the committee, in connection with the language in the proposed amendment, whether the word "development" would include construction of new facilities.

Mr. LOVERIDGE. That has been our interpretation over the years; yes, sir.

Mr. HEIMBURGER. That is, I think, the ordinary interpretation to be put on it. You know of nothing to indicate that it might not be construed to include construction?

Mr. LOVERIDGE. We are confident that it would; yes, sir.

Mr. GATHINGS. And rehabilitation?

Mr. LOVERIDGE. All of those things; yes, sir.

Mr. GATHINGS. That was suggested by Mr. Jackson; the word "rehabilitation" as well as "construction."

Mr. LOVERIDGE. I am quite confident that the wording would be found legally sound for the doing of the construction, rehabilitation, and all of the work that we know Mr. Jackson desires to have done. For example, in his country the Mount Baker Lodge is falling down, and over in the Stevens Pass there are some more recreational improvements that are just going to pieces. That is what he has in mind that needs attention.

Mr. GATHINGS. Will this 10 percent keep up these roads and trails satisfactorily?

Mr. LOVERIDGE. Ten percent of national forest receipts are available for roads and trails, you know. In addition, Congress provides a forest development road and trail fund. That, this year, amounts to \$10,348,000 which is enough for nothing much more than maintenance. It does not provide much for new construction, for oiling, or things of that sort to reduce the dust, and on our recreation roads, which are almost entirely dirt roads, the dust clouds are just terrible. But we are able to keep them pretty well drained.

Mr. TACKETT. Mr. Chairman, may I ask a question, there?

Mr. GRANGER. Yes.

Mr. TACKETT. Is it not true, too, that the Forest Service has to assist the States on highways that run through their areas?

Mr. LOVERIDGE. The Forest Service does not get those funds any longer. That is the forest highway fund, a part of the appropriations handled by the Public Roads Administration.

Mr. TACKETT. But you do not have sufficient moneys, even under the 10 percent that you are allowed by law at the present time, to adequately take care of the roads and trails within the forest areas as you would like?

Mr. LOVERIDGE. That is correct. The Congress just 2 years ago gave us an authorization of \$17,500,000 for these minor roads and trails. And, as I said, the appropriation has not been much more than about half of the authorization, around \$10,350,000.

Mr. GRANGER. I do not know, but I would imagine that you have a situation, generally, such as exists in Idaho. You probably would not rehabilitate or maintain all the camps that were built in CCC times. I imagine you would not try to rehabilitate all of them. You would have to make some selection; would you not?

Mr. LOVERIDGE. Yes, sir. We have abandoned all the CCC-built recreation camps that we possibly could. But the growing demand for recreation use is really requiring us to build some additional facilities, Mr. Chairman, in other places. We have found some that were built by the CCC that were poorly located, and those have been completely abandoned. We are not wasting any money on them at all.

Mr. GRANGER. That is what I say. It would not be your purpose, if this legislation were passed, to try to maintain all the facilities that were built during the CCC days.

Mr. LOVERIDGE. No, sir.

Mr. GRANGER. Even now you have abandoned many of those camps, and you could only maintain those to the extent that you had the money to maintain them.

Mr. LOVERIDGE. That is correct.

Mr. LIND. Mr. Loveridge, could you give us a break-down of the \$32,000,000 that you spoke of, 10 percent of which would go into this fund in the bill as proposed by Congressman Tackett?

Mr. LOVERIDGE. That \$32,000,000 of receipts is made up of about 3½ million dollars from grazing fees, three-quarters of a million dollars for special use fees, that is, for charges for summer homes, and pastures, and uses of that sort, and then the balance is made up of our timber sale receipts, which run around about \$27,000,000.

Mr. LIND. What percentage of this \$32,000,000 would you say is returned to the Forest Service in the form of fees that are collected for swimming or camping? Do you have any idea what that might amount to?

Mr. Loveridge. We get practically no returns for such things as camping, except on this experiment that we are running now, on 50 selected campgrounds. But we get no receipts otherwise for such recreation purposes. Our receipts come, as I said a moment ago, from our timber sales, from the sale of our range forage, and for summer home sites, and things of that sort.

Mr. LIND. That is all I have.

Mr. GRANGER. Thank you very much, Mr. Loveridge.

Is there anyone else from the Forest Service who would like to make a statement?

Mr. LOVERIDGE. Mr. Chet Olson, from Ogden, Utah, is in town, and is very much interested in this, and I would like to have him make a statement.

Mr. SIMPSON. Mr. Loveridge, if you were to have adequate funds, how much would you need?

Mr. LOVERIDGE. The amount that this 10 percent would provide would be just about the additional amount that would be required to do much of the job adequately.

Mr. SIMPSON. Then how much is the 10 percent that goes into the Federal Treasury now? How much is that?

Mr. LOVERIDGE. About \$32,000,000 goes into the Federal Treasury now, and 10 percent, of course, would provide \$3,200,000.

Mr. SIMPSON. And you turn into the Federal Treasury \$32,000,000 annually?

Mr. LOVERIDGE. We turned over to the Federal Government \$32,000,000 last year, yes, sir. The amount varies somewhat in accord with the volume of timber sold and so on.

Mr. SIMPSON. Where does that come from?

Mr. LOVERIDGE. That comes from the sale of stumpage on the national forests, from the sale of range forage, and for rental of sites for summer homes and pastures, and things of that sort.

Mr. SIMPSON. And 10 percent of that is \$3,200,000.

Mr. LOVERIDGE. Yes, sir.



Mr. HEIMBURGER. You spoke of turning in about \$32,000,000 to the Treasury. You mean by that, that it is the income from the forests, do you not, rather than the amount that goes into the Federal Treasury?

Mr. LOVERIDGE. That all goes into the Treasury; yes, sir; and appropriations are made from that, then.

Mr. HEIMBURGER. Is there not 25 percent out of that, out of your timber sales——

Mr. LOVERIDGE. That is reappropriated. The total amount goes into the Treasury, and then a distribution is made; 25 percent of the total is paid to the States for allocation to counties for public schools and roads.

Mr. HEIMBURGER. Is that true of your 10 percent for road work, and trail work also, or is that a special fund?

Mr. LOVERIDGE. That is a distribution of the total also that is provided for in much the same way as in Congressman Tackett's bill. Ten percent is available to us for roads and trails within the national forests.

Mr. HEIMBURGER. Does that go into the Federal Treasury and then come back to the Forest Service?

Mr. LOVERIDGE. Yes. It is included in the budget each year.

Mr. SIMPSON. What does the Committee on Public Lands do in relation to this?

Mr. LOVERIDGE. The national forests are handled by the Committee on Agriculture and Forestry; and the Committee on Public Lands handles the national parks.

Mr. GRANGER. Would you care to make a distinction as to why we should not charge for recreational facilities in the Forest Service when we charge people for going into the national parks?

Mr. LOVERIDGE. Mr. Chairman, it is not generally known, and it came as a surprise to me when the Director of the Park Service told me, about a month ago, that there is a law, mind you, that forbids charging for camping inside the national parks. Isn't that odd? Here is a proposal now that we charge for camping inside the national forests, and to the contrary there is a law forbidding charging for camping inside the national parks. They do charge, of course, an entrance fee into the national parks for the use of the roads and for whatever purpose, but once you get inside there is no charge. And, of course, there is no charge up here in Rock Creek Park, which is under the National Parks.

Mr. GRANGER. Is Rock Creek Park under the National Park Service?

Mr. LOVERIDGE. That is handled by the National Park Service.

Mr. GRANGER. They do not make any charge there.

Mr. LOVERIDGE. No, sir.

Mr. GRANGER. Well, before Mr. Loveridge leaves the stand again, let us be sure that we are through with him. Are there any other questions?

Mr. LIND. I just wanted to say one thing more. In addition to that 10 percent, which would be \$3,200,000, you would normally get the appropriation through the regular appropriation sources.

Mr. LOVERIDGE. Oh, yes.

Mr. LIND. That would mean that you would probably have about \$4,200,000, in line with Mr. Tackett's bill.



Mr. LOVERIDGE. That is right.

Mr. GRANGER. Thank you very much, Mr. Tackett.

Mr. TACKETT. Thank you.

Mr. GRANGER. Now we are glad to hear from my colleague from Ogden, Utah, whom I have known for a very long time, and who is very familiar with all the national forests and parks of the country, and especially of the West.

We are very glad to have you here, sir.

#### STATEMENT OF C. J. OLSEN, ASSISTANT REGIONAL FORESTER, OGDEN, UTAH

Mr. OLSEN. Thank you. My name is C. J. Olsen, and I am assistant regional forester, with headquarters at Ogden, Utah. As the chairman has stated, we have a number of recreational areas in the intermountain region, about 714 camp and picnic grounds, and about 31 winter-sports areas, two organization camps, and five or six swimming areas.

Our people live on the edge of the desert, and these recreational areas and facilities are extremely important to them because of that fact.

In the region which takes in Utah, Nevada, Idaho, south of the Salmon River, and western Wyoming, totaling about 30,000,000 acres, we have a population of about a million and a half people. That is the resident population. Of course, in the summer, the population is greater, because the eastern folks like to come out West. We have a lot of eastern people coming into the West in the summertime. They make use of these campgrounds, as well as the local people.

Above Salt Lake City, there are three or four canyons, in which we have over a million visits. There will be probably a million and a half to 2,000,000 visits this year. I say "visits," because some of the visitors make several trips during the year; they come and go. We have an increasing number of people from the East. You can see cars from almost every State in the Union. Probably 15 percent of the visitors into some of these recreational areas are out-of-State visitors.

In the intermountain region there are approximately 30,000,000 acres of national forest lands; we have about 15 or 16 thousand miles of exterior national forest boundaries; there are hundreds, yes thousands, of roads going into, from, and through the national forests, and into these recreational areas, over which people travel. I mention this to emphasize some of the problems which complicate any system of charging for the use of national forest recreation areas.

We have about 12 experimental charge areas, of the 50 which Mr. Loveridge mentioned in the intermountain region. We are running the experiment in accordance with the wishes of the House Committee on Appropriations. We are finding about the same situation as that of which Mr. Loveridge spoke. The folks from far-away places are quite willing to pay a little fee, because their visits are infrequent and of short duration. The local people are complaining rather bitterly, as Mr. Granger indicated. It is quite a change in the traditional practice of the Forest Service.

On one particular experimental charge area, the Warm Lake Campground.

Mr. GRANGER. What lake?

Mr. OLSEN. Yes, the Warm Lake Campground in Idaho; it has been used very extensively up until this year. And a few days before I left I was informed that we had collected \$24 on this area. The people just went on a sit-down strike. They wouldn't stop at this campground. Instead they camp on other undeveloped areas in that particular locality. It is part of the large Boise National Forest. They can camp any place; and in places where we have no fire-prevention facilities; where we have no sanitary water or other sanitary provisions.

Certainly it is a tremendous hazard, an additional fire hazard, and certainly an additional pollution hazard. They are opposed to the experimental charging on this area. They are on a sit-down strike.

Mr. GRANGER. Would you mind telling us how you collect the tax? Is it true, as I gather from letters from home, that fishermen who make a point of going fishing each week, you charge 50 cents each time they go up there?

Mr. OLSEN. Fifty cents per day for a car of six, and if there are additional numbers in the car we made an additional charge. That is a 24-hour period.

Mr. GRANGER. So a fellow who goes fishing every week end would pay \$10 or \$15 a year.

Mr. OLSEN. He would have to pay for every 24-hour period in the experimental-charge areas. You see, there are only 12, Mr. Granger, out of the 714 that I mentioned.

Mr. GRANGER. Where have you an experimental camp that I know about?

Mr. OLSEN. Well, we have one at Duck Creek, above Cedar City. We have one at Ponderosa Camp on the Fish Lake above Beaver. We have one at Mirror Lake on the Wasatch. We have one in Big Cottonwood Canyon on the Wasatch. And we tried to get one on the Uinta at Aspen Grove, but we were unable to get anyone to take it over, so as far as I know we do not have any charge area there. But we have one on the Cache National Forest. We have the amphitheater on the Cache under a charge arrangement at the present time. We have another one on the Wasatch which I failed to mention, and that is the Box Elder Camp. We were charging on an experimental basis for the use of the amphitheater at the Box Elder Camp.

Mr. GRANGER. You were experimenting with the whole business, it seems to me.

Mr. OLSEN. No, we have only about 12 out of the total number.

Mr. GRANGER. There is another very important point that I would like to make. The receipts in Utah for 1947, the national forest receipts, amounted to \$417,148. Ten percent of the receipts, if this bill were passed, would not be sufficient to take care of our needs. I understand the amendment would limit it to use within the States. That would not be anywhere near the amount we need. I should say that we have not had nearly enough funds to do the common house-keeping jobs, take care of the toilets and the sanitary water supplies and the fire-prevention problems that we have. We have not had nearly enough money to do this job during the last several years. The improvements are going down, because we can't maintain them. As Mr. Loveridge stated, the receipts vary from year to year. They are probably up a little in 1948 over the figure I quoted. But using 1947 figures 10 percent would only amount to a little over \$41,000 for Utah.

For Nevada, it would amount to about ten or eleven thousand dollars, and for Wyoming, about \$40,000. For Idaho it would be about \$121,000.

Mr. TACKETT. May I ask a question, there?

Mr. GRANGER. Yes.

Mr. TACKETT. Does that forest area, there, cover more than one State?

Mr. OLSEN. Yes. More than one State?

Mr. TACKETT. I mean is it like the Ouachita National Forest that goes into Oklahoma and Arkansas? I was wondering if your forested area out there covered more than just one State.

Mr. OLSEN. Yes, the region, of course, extends into four States, Mr. Congressman.

Mr. TACKETT. Mr. Chairman, under my bill as it now reads, as it has been introduced, it is provided that the moneys may be expended within the area from whence the timber was sold. It says:

Ten per centum of all moneys received from each national forest during each fiscal year shall be available at the end thereof to be expended by the Secretary of Agriculture for recreational purposes within such national forest.

I can see his point. For instance, in Arkansas and Oklahoma, a greater percent of the timber sales of the Ouachita National Forest would be in Arkansas. That is the reason I was not trying to be selfish. I think they should be expended within both States, Arkansas and Oklahoma. That would solve his problem, too. And that is the reason that I did not want to limit it to the States. I was not trying to be more favorable to Arkansas than to Oklahoma. And I am sure the Forest Service has a reason for it, but I do not understand it. I would think that the moneys derived from the Ouachita National Forest; and not that, because most of the moneys came from Arkansas, they should be expended in Arkansas.

Mr. LOVERIDGE. May I interpose at this point?

I think a very important point has developed here as a result of this discussion. As for the \$32,000,000 receipts, by all odds the greatest percentage is coming from the State of Oregon. That is where our big timber stands. It may be we should not use 10 per cent of our receipts year after year for recreation purposes in the State of Oregon alone. Nevertheless, the adjoining State of Washington, which is now pretty seriously cut over, has some heavy recreation needs, such as Mr. Jackson mentioned, at various places. And in Utah we have very heavy needs, as Judge Bosone brought out. And certainly, as Mr. Tackett has mentioned, the recreation needs on that part of the Ouachita Forest, which is across the line in Oklahoma, are very heavy, although our receipts come mainly from Arkansas for that forest.

Consequently, I believe, as Mr. Tackett has suggested here, that this language should not limit the expenditures to particular States, but it should be left within the discretion of the Secretary of Agriculture for proration in accordance with needs.

I have not cleared with the Departments as to this, but I would be very glad to do so, and I feel quite sure that they would welcome making that revision.

Mr. TACKETT. Mr. Chairman, may I interrupt to say that that is perfectly satisfactory. I am not trying to get money for Arkansas. I am trying to get money for the whole United States of America.



And in the matter of timber sales, Arkansas would rank up pretty high; maybe not close to Oregon, but pretty high. This money is needed all over the United States, and I do not object to the bill being amended to allow the Agriculture Department to determine where these moneys should be used.

Mr. LOVERIDGE. The receipts from Oregon, I presume, are around \$8,000,000, and from the State of Arkansas last year, they were about \$1,500,000. You know we have those tremendous stands of big Douglas fir up in that Oregon country.

So, Mr. Chairman, I believe that if a period were placed following the words "resources and areas" in the revision which was recommended by the Secretary of Agriculture, it would apparently make it possible to equalize the distribution of funds much more adequately. In other words, that would eliminate from this proposed revision the words "within the states from which such proceeds are derived" and would make the funds available for development, maintenance, and operation of national forest recreational, including wildlife, resources, and areas.

Mr. GRANGER. I think that language would be better.

Mr. LOVERIDGE. And may I correct one statement that I made in response to Mr. Heimburger's question, as to the 10 percent for roads and trails. That would be handled as this is handled, and is not a part of our appropriation, Mr. Heimburger. It automatically becomes available to the Forest Service. It is a permanent appropriation.

Mr. GRANGER. Would you be able to furnish and will you furnish for the record, a break-down of the receipts, the forest receipts for each State?

Mr. LOVERIDGE. That will be placed at this point in the record, Mr. Chairman.

(The material referred to is as follows:)

*National forest receipts fiscal year 1949, by States (preliminary)*

Alabama	\$359, 952	Nevada	\$153, 516
Arizona	1, 035, 409	New Hampshire	92, 917
Arkansas	1, 496, 543	New Jersey	
California	4, 604, 404	New Mexico	495, 959
Colorado	870, 026	New York	
Alaska	20, 457	North Carolina	337, 539
Delaware		North Dakota	152
Florida	259, 885	Ohio	10, 509
Georgia	324, 275	Oklahoma	156, 738
Idaho	1, 671, 408	Oregon	8, 179, 888
Illinois	53, 859	Pennsylvania	57, 814
Indiana	9, 081	Puerto Rico	13, 965
Iowa	1, 544	South Carolina	398, 120
Kansas		South Dakota	227, 139
Kentucky	98, 705	Tennessee	159, 887
Louisiana	403, 029	Texas	1, 051, 924
Maine	22, 338	Utah	499, 114
Mayland		Vermont	104, 275
Massachusetts		Virginia	149, 399
Michigan	260, 289	Washington	4, 428, 552
Minnesota	274, 379	West Virginia	117, 705
Mississippi	760, 106	Wisconsin	264, 366
Missouri	101, 757	Wyoming	440, 493
Montana	1, 002, 742		
Nebraska	48, 251	Total	31, 018, 410



Mr. OLSEN. Mr. Granger, I would just like to add one experience which is apropos to this hearing. In 1947 I happened to be over in Markleeville, Calif. We have just a little of our region in California. I happened to be over at Markleeville when a fire broke out on the Carson River. One of our men from Ogden and I were there. We were at the fire just a few minutes after it started, and it was my responsibility on that particular fire to ascertain the cause. So I went to work. The other boys went to work on the fire, and I went to work to see if I could find out what caused it.

We were not able to prove it in court, but we learned, to my satisfaction, that the fire was started by the short butt of a Scotchman's cigarette. An old couple came up from California with a friend and camped in a bend of the Carson River, on an area on which there were no camp facilities, because the developed areas were overcrowded. There were no fire-prevention facilities, and there were no sanitary facilities. The old gentleman went across the creek up to an old mine dump to get some fuel for his campfire, and apparently dropped a cigarette. That was on the 5th day of August 1947. The fire burned for about 2 weeks. It burned approximately 15,000 acres. It cost the Government, in suppression costs, and direct damages, about \$119,000. And it nearly burned up the town of Markleeville, Calif. It burned from California into Nevada. It was a real conflagration.

I just wanted to mention that, because it seems to me that the cause of this fire is apropos to this problem of fire prevention, sanitation, sanitary water, and sanitary facilities, that certainly are so highly important in our national forests. With proper facilities this fire could, no doubt, have been avoided.

Mr. GRANGER. Are they any questions?

Thank you very much.

Mr. OLSEN. Thank you.

Mr. GRANGER. Mr. Shoemaker, you represent Fish and Wildlife?

#### **STATEMENT OF CARL SHOEMAKER, NATIONAL WILDLIFE FEDERATION, WASHINGTON, D. C.**

Mr. SHOEMAKER. Well, no; I don't represent the Fish and Wildlife Service, Mr. Chairman, and gentlemen of the committee, but I represent the National Wildlife Federation—probably 3 or 4 million sportsmen of the United States.

Mr. GRANGER. We will be glad to hear from you.

Mr. SHOEMAKER. I think there is one phase of this discussion that has not been brought out, and that is the value of the national forests from the point of view of the sportsmen.

The national forests have about 90,000 miles of fine fishing streams within them. They also have about a million and a half acres of lakes and ponds. Some 4 or 5 million sportsmen every year go into the national forests to hunt and fish. That is a sizable number of the total number of people who take out licenses every year.

We feel that some greater emphasis should be placed upon the forest wildlife, because 70 percent of the big game of the western part of the United States use the national forests. In your State you are very familiar with what the situation has been there, Mr. Chairman.

So we feel that the wildlife resource should be included with recreational purposes. There is no question but what it is one of the finest recreational phases of our life that the American people enjoys today.

So we are very strongly in favor of the inclusion of the wildlife resource along with the recreational resource when it comes to consideration of this bill.

We feel that the amendment suggested here is a good amendment. It ought to be adopted if the bill itself is going to be adopted.

I have nothing further.

Mr. GRANGER. Mr. Shoemaker, what contribution does the sportsman make to the maintenance of the wildlife itself?

Mr. SHOEMAKER. The sportsman, in practically every State in the union, pays the entire bill for the preservation of his sport, through the purchase of licenses.

About 13,000,000 Americans every year buy hunting licenses. Fourteen and a half million buy fishing licenses. Those licenses cost all the way from a dollar to \$5 and \$6, and for a non-resident all the way up to a hundred dollars. That is their contribution. All of the State game departments, without any exception, are operated on the moneys that are received from the sale of licenses and permits of one kind or another.

Mr. GRANGER. As I understand it, that is all plowed back into the administration of the wildlife resources of the State.

Mr. SHOEMAKER. It is all plowed back into the wildlife resources of the State; yes, sir.

Mr. GRANGER. Do they not have some tax on ammunition?

Mr. SHOEMAKER. There is 11 percent tax on sporting arms and ammunition. This, in 1937, was earmarked by Congress for Federal aid to State wildlife restoration projects. This past year it amounted to about \$11,600,000. The States are allocated that money on a formula which takes into consideration the area of the State as compared with the total area of the United States, and the number of hunting licenses that are sold by the State in comparison with the total number issued in the United States. Each State receives its allocation. Each State submits its projects to the Fish and Wildlife Service. When these projects are approved, the money is allocated to the State for that particular project. When it is completed, the State owns the project. If it is land or other facilities, the State actually gets title to the project itself.

In addition to that, the State puts up 25 percent of the total cost of the project.

Mr. GRANGER. Then, assuming, as you indicated, that much of the game fishing is within the boundaries of the national forests, it would be an additional charge if they charged the hunters to camp.

Mr. SHOEMAKER. Yes; it certainly would. And it certainly would not be in line with the thinking that the national forests are public property, and that there should be free access to them for this purpose, as well as for recreation.

I am strongly in favor of recreation, the recreational feature of our forests. I come from Oregon, and I know what it means.

Mr. GRANGER. Any questions?

Thank you very much, Mr. Shoemaker.

Are there any other witnesses here to appear in behalf of or in opposition to this bill?

If not, the committee is adjourned.

(Whereupon, at 11:50 a. m., the hearing was closed.)









81ST CONGRESS  
1ST SESSION

# H. R. 5839

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1949

Mr. GRANGER introduced the following bill; which was referred to the Committee on Agriculture

---

## A BILL

To facilitate and simplify the work of the Forest Service, and  
for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*  
3   That, notwithstanding the provisions of existing law and  
4   without regard to section 355, Revised Statutes, as amended  
5   (40 U. S. C. 255), but within the limitations of cost other-  
6   wise applicable, appropriations of the Forest Service may be  
7   expended for the erection of buildings, lookout towers, and  
8   other structures on land owned by States, counties, munici-  
9   palities, or other political subdivisions, corporations, or in-  
10   dividuals: *Provided*, That prior to such erection there is  
11   obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4       SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19       SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's



1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work

1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 izations, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by

1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national forest resources and recreational facilities,

1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefor to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the appro-  
17 priation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received:



1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5 SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16 SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 as a part of the established fee for the use of the range, to  
16 cover the cost to the United States of (1) artificial revegeta-  
17 tion, including the collection or purchase of necessary seed;  
18 (2) construction and maintenance of drift or division fences  
19 and stock-watering places, bridges, corrals, driveways, or  
20 other necessary range improvements; (3) control of range-  
21 destroying rodents; or (4) eradication of poisonous plants and  
22 noxious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal

1 year limitation, to be available to cover the cost to the United  
2 States of such artificial revegetation, construction, and main-  
3 tenance of range improvements, control of rodents, and erad-  
4 ication of poisonous or noxious plants: *Provided further*,  
5 That whenever the Secretary of Agriculture determines that  
6 any portion of any deposit is in excess of the cost of doing  
7 said work, such excess shall be transferred to miscellaneous  
8 receipts, forest reserve fund, as a national-forest receipt of  
9 the fiscal year in which such transfer is made.

10 SEC. 13. That section 5 of the Act of March 3, 1925  
11 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
12 read as follows:

13 "Where no suitable Government land is available for  
14 national forest headquarters, ranger stations, dwellings, or  
15 for other sites required for the effective conduct of the author-  
16 ized activities of the Forest Service, the Secretary of Agri-  
17 culture is hereby authorized to purchase such lands out of  
18 the appropriation applicable to the purpose for which the  
19 land is to be used, and to accept donations of land for any  
20 national forest or experimental purpose: *Provided*, That such  
21 lands may be acquired subject to such reservations and  
22 outstanding interests as the Secretary determines will not  
23 interfere with the purpose for which acquired: *Provided*  
24 *further*, That not to exceed \$25,000 may be expended in  
25 any one fiscal year pursuant to this authority."



1        SEC. 14. There are hereby authorized to be appro-  
2        priated—

3            (a) such sums as may be necessary for the acquisi-  
4        tion of parcels of land and interests in land in Sanders  
5        County, Montana, needed by the Forest Service to  
6        provide winter range for its saddle, pack, and draft  
7        animals;

8            (b) not to exceed \$50,000 for the acquisition of  
9        additional land adjacent to the present site of the Forest  
10       Products Laboratory at Madison, Wisconsin; and

11           (c) not to exceed \$25,000 for the acquisition of one  
12       helicopter landing site in southern California.

13        Land acquired under this section may be subject to such  
14       reservations and outstanding interests as the Secretary of  
15       Agriculture determines will not interfere with the purpose  
16       for which acquired.

17        SEC. 15. That section 6 of the Act of March 3, 1925  
18       (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
19       substituting a colon for the period at the end thereof and  
20       adding the following: "*Provided*, That when a transient  
21       without permanent residence, or any other person while  
22       away from his place of residence, is temporarily employed  
23       by the Forest Service and while so employed becomes  
24       disabled because of injury or illness not attributable to official  
25       work, he may be provided hospitalization and other neces-



1 sary medical care, subsistence, and lodging for a period of  
2 not to exceed fifteen days during such disability, the cost  
3 thereof to be payable from any funds available to the Forest  
4 Service applicable to the work for which such person is  
5 employed."

6 SEC. 16. Appropriations of the Forest Service charge-  
7 able with salaries and wages shall be available for pay-  
8 ment to temporary employees of the Forest Service for loss  
9 of time due to injury in official work at rates not in excess  
10 of those provided by the United States Employees' Compens-  
11 ation Act, as amended (5 U. S. C., 751 and the following),  
12 when the injured person is in need of immediate financial  
13 assistance to avoid hardship: *Provided*, That such payment  
14 shall not be made for a period in excess of fifteen days and  
15 the United States Employees' Compensation Commission  
16 shall be notified promptly of the amount so paid, which  
17 amount shall be deducted from the amount, if any, other-  
18 wise payable by the United States Employees' Compensation  
19 Commission to the employee on account of the injury, the  
20 amount so deducted by the Commission to be paid to the  
21 Forest Service for deposit to the credit of the Forest Service  
22 appropriation from which the expenditure was made: *Pro-*  
23 *vided further*, That when any person assisting in the sup-  
24 pression of forest fires or in other emergency work under the  
25 direction of the Forest Service, without compensation from

1 the United States, pursuant to the terms of a contract, agree-  
2 ment, or permit, is injured in such work, the Forest Service  
3 may furnish hospitalization and other medical care, subsist-  
4 ence, and lodging for a period of not to exceed fifteen days  
5 during such disability, the cost thereof to be payable from the  
6 appropriation applicable to the work upon which the injury  
7 occurred, except that this proviso shall not apply when such  
8 person is within the purview of a State or other compen-  
9 sation Act: *Provided further*, That determination by the  
10 Forest Service that payment is allowable under this section  
11 shall be final as to payments made hereunder, but such  
12 determination or payments with respect to employees shall  
13 not prevent the United States Employees' Compensation  
14 Commission from denying further payments should the Com-  
15 mission determine that compensation is not properly allow-  
16 able under the provisions of the Employees' Compensation  
17 Act.

18 SEC. 17. (a) Section 2 of the Act of March 3, 1925  
19 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in  
20 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
21 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
22 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

23 (b) The second proviso in section 13 of the Act of  
24 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.

81st CONGRESS  
1st Session

H. R. 5839

---

---

## A BILL

To facilitate and simplify the work of the Forest Service, and for other purposes.

---

---

By Mr. GRANGER

---

---

AUGUST 1, 1949

Referred to the Committee on Agriculture







## FACILITATE THE WORK OF THE FOREST SERVICE

---

AUG. 4, 1949.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

Mr. COOLEY, from the Committee on Agriculture, submitted the following

### REPORT

[To accompany H. R. 5839]

The Committee on Agriculture, to whom was referred the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

#### STATEMENT

The purpose of this bill is to make a number of relatively minor changes in the laws relating to the Forest Service which will permit that Service to carry out more efficiently and more effectively the functions and duties imposed on it by Congress.

In all but one section (sec. 12) the bill is identical with a similar bill (H. R. 2028) which was reported favorably by this committee and passed the House in the Eightieth Congress. The bill was not acted upon in the Senate. Since thorough and complete hearings were held on the bill in the Eightieth Congress, only brief hearings were conducted on the bill in this session of Congress and the only change made in the wording of the measure as it had previously passed the House was a slight change in the language of section 12 and the elimination of section 13 because of the fact that the provisions of the latter section have already been embodied in legislation.

The changes and improvements in the laws relating to the Forest Service which are proposed in this bill are the outgrowth of cumulative experience of the Service and are based upon careful study. The changes proposed represent improvements which those charged with the administration of these laws believe that they can and should make in such administration.

Rather than authorizing the appropriation of additional funds, most of the legislative changes proposed herein are designed to save

the Government money, either directly or through more efficient use and administration of existing appropriations. The only authorizations for new appropriations are in section 14 and these are of a character to render more effective and efficient the whole functioning of the Forest Service.

In reporting the bill in the Eightieth Congress, the committee said:

The committee has gone over the bill very carefully, line by line, and is satisfied that there is not proposed any authorization beyond that actually needed to accomplish the job to be done, and that the enactment of this proposed legislation will greatly improve and render more effective and economical the functioning of the Forest Service.

Hearings were held in this session of Congress on H. R. 2968, following which the changes referred to above were made, and the bill reported herewith (H. R. 5839) was introduced by direction of the subcommittee as a clean bill.

The change made by the committee in section 12 of the bill makes it clear that the funds to be deposited with the Forest Service for range improvements are to be a part of the regular fee charged for use of the range and not in addition to the established grazing fee.

## ANALYSIS OF THE BILL

### SECTION 1

*Improvements under long-term leases.*—States, counties, cities, towns, corporations and private individuals are often willing to allow the Forest Service to erect and maintain warehouses, repair shops, lookout towers, and other structures on land owned by them for such period as the land may be needed. They are, however, unable or unwilling, for legal or other reasons, to sell or donate the land to the Federal Government. Under existing legal restrictions, the Forest Service is unable to erect permanent facilities on land not owned by the United States.

In many cases the Forest Service may need to erect a lookout tower, dwelling or other administration structure for long-term use at a strategic location on land privately owned but which the owners are not willing to sell, and the Forest Service often can obtain a lease, usually at a nominal rental, for a term of years compatible with the life of the structures.

A building or other structure constructed under authority of this section would be subject to any cost limitation fixed by Congress in the applicable appropriation or other act. The committee amendment would require that leases provide for the right to remove the structure within reasonable time following termination of the lease.

### SECTION 2

*Purchase of tree and forage plant seed and nursery stock.*—Good forest tree seed crops occur only at intervals of from 2 to 5 years or more, varying with species and locality. Hence during a good year enough seed or cones must be collected to last several years. Seeds grown in the vicinity of the area to be planted usually produce trees better adapted to the local environment than do seeds gathered in a different locality. It is also important that tree seed be collected only from thrifty trees of good form and quality.

Tree seed and cones must be mature and ripe when collected, and the period between the ripened stage and natural dissemination is short. There are very few dealers in forest tree seed, and it has proven impossible to obtain from established dealers the desired quantity and quality of fresh seed grown in suitable localities.

Usually the value of seed procured in one locality in the good seed years is considerably in excess of \$500, which is the existing limitation on open-market purchases. At some of the large transplant nurseries, such as the Chittenden in Michigan and the Savenac in Montana, the value of seed required for a year's production may run as high as \$3,000. For any one of these nurseries seed may be bought in three or more localities, but there might be bought in any one year enough seed for a 3-year period. Hence the amount that might be spent for seed in one locality in 1 year could amount to \$3,000. At the two big southern nurseries, the Ashe in Mississippi and the Stuart in Louisiana, production is of 1-year-old stock only and each nursery has sufficient capacity to produce 30,000,000 seedlings. This would require up to 5,000 bushels of cones each which, at \$2 per bushel, would cost \$10,000. These cones might be purchased in at least three different localities and might be purchased in sufficient quantity to provide a 2- to 3-year supply. Consequently, it is to be anticipated that the amount spent in one locality in 1 year for the purchase of seed could amount to \$10,000.

The present limitation has resulted in failure to obtain sufficient seed of the species, quality and source desired, and sometimes has resulted in a price much higher than could have been had at the outset under open-market purchasing. Open market offers at a reasonable price in a specified locality induce Indians and other local people to collect seed and cones for direct sale to the Government, offering such quantities as they are able to collect with no penalty for inability to furnish a predetermined quantity, whereas few if any would respond to a request for competitive bids.

Similar conditions prevail in obtaining forage plant seed to use in reseeding ranges. Best results usually are obtained from seed grown in the vicinity. It is difficult to induce local farmers to grow such seed without an assured market for at least part of the crop. The seed required in a particular locality may greatly exceed the present open-market limit of \$100. Authority to purchase without competition will encourage local seed growing, permit selection of the best seed available, and insure seed from plants known to grow successfully in the locality.

Present appropriations permit the reactivation and expansion of the national forest-planting program on both forest and range lands following the war emergency and the proposed authorization is needed to enable the Forest Service to effectively carry on the program.

Wherever practicable both tree and forage seed will be purchased under bid procedure when available from commercial supply sources.

The existing \$500 limitation for open-market purchase of nursery stock is adequate and therefore no increase is proposed in such limitation.



## SECTION 3

*Experimental materials and equipment.*—In order to obtain the material suited to a particular experiment it is necessary to select with special care standing timber for certain qualities of growth conditions, lumber or timbers from mills operating on logs from a particular territory, and other forms of wood or forest products. Often this selection is made by the Forest Products Laboratory representative under conditions requiring the cooperation of the owner. It is essential to be able to contract for the required quantity when and where found.

It is important that the Forest Service within its specialized field assume leadership in developing equipment for forest and forest products research, forest fire control, reforestation, and other forestry and related purposes. In carrying out these purposes it frequently is necessary to develop a piece of equipment which either is novel or will require an improvement or modification of commercially available equipment. It is impractical to obtain the desired new or improved equipment under specifications on a strictly competitive basis because offered equipment frequently appears but does not meet specifications. Furthermore, it is practical to accomplish such new developments only by means of a cooperative arrangement with a qualified concern that is willing to assist wholeheartedly in the undertaking.

A great many machines used in fire control, for example, are evolved from equipment originally designed for farming, construction, or other uses. In the experimental work it is necessary to observe performance as well as weight and bulk of such parts as engines, transmission units, blades, plowshares, etc. When the best unit for the purpose is found, progress of the development is expedited if the specific item can be procured at once and set into the assembly of the test model. For comparative tests it is necessary to obtain units produced by different makers. Following development work specifications can be written for quantity purchases with assurance that equipment meeting developed specifications will serve the desired purpose.

## SECTION 4

*Aerial facilities for forest management.*—Under existing law the Forest Service may contract for the use of aerial facilities and services in protecting the national forests against fire, with authority to twice renew the contract annually without further advertising for bids. The purpose is to insure reasonable continuity of use of especially equipped planes, and pilots particularly experienced in hazardous mountain flying. The proposed change would extend this authority to other forest management activities. Because of relative inaccessibility, rough terrain, lack of ground transportation facilities and distances on many national forests, particularly in the western United States and Alaska, the use of aircraft would substantially reduce the time and cost in managing remote national forest areas. In addition to large savings in the time of the managerial and supervisory force, this would permit aerial mapping, timber and forage surveys, road and trail locations, stock and game counts, spraying for insect infestation and tree disease, and other management activities that require large crews and long periods under existing methods.

## SECTION 5

*Collaboration for protection and administration.*—The primary purpose of this amendment is to broaden the authority of section 1 of the act of March 3, 1925, to permit performance of various kinds of work by the Forest Service, at the expense of interested parties, on national forest and other related lands.

(a) Much of the work performed by the Forest Service on national forests in connection with improvement and utilization of the lands and their products should be encouraged on lands not in Federal ownership. On adjacent and intermingled non-Federal lands the work usually could be performed along with similar work on national forest lands with a saving in cost to both parties. This would also insure supervision of the non-Federal work by experienced men, where the private owners or other agencies have no personnel experienced in forestry and related lines of work. Subsection (a) will confer the authority necessary to this end.

(b) In connection with utilization of the land or resources of the national forests permittees sometimes are confronted with types of work for which they have neither trained personnel nor suitable equipment. In many instances the Forest Service has available supervisory personnel and appropriate equipment and could do such work, if payment therefor by the permittee could be used by the Forest Service, thus avoiding depletion of Forest Service funds. In some instances this would actually reduce the cost of Government work. Subsection (b) will authorize such collaboration with permittees.

(c) The need for the authority conferred by the second proviso of subsection (c) will not arise often but when it does the Forest Service will be in a position to aid in meeting a local emergency, pursuant to the terms of a written agreement. To illustrate, in an isolated community, the county snow plow, commonly used for keeping open the road to the local school, breaks down. The Forest Service has in the vicinity a tractor with bulldozer attachment, used for constructing and maintaining minor forest roads tributary to the community.

When other suitable equipment is not available, the county may request the assistance of the Forest Service in keeping the road open until its own snow plow is repaired. In such instances the Forest Service appropriation could be reimbursed by the local public agency or person for whom the service was performed.

Another example of such a local emergency is where a contractor moving through the national forest en route to a construction job damages a Forest Service telephone line and completely disrupts telephone service when units of heavy equipment accidentally slide off the road. The contractor is anxious to get his equipment to the site of this construction job as soon as possible. On the other hand, service over the telephone line is essential to meet Forest Service and general public needs. Where Forest Service employees are the only ones immediately available and qualified to restore the line it obviously is in the interest of all concerned for the Forest Service to enter into an agreement to make the necessary repairs and allow the contractor to reimburse it for the expenditure incurred.

An example of the need for the authority conferred by the third proviso of subsection (c) arises when a timber operator under his agreement makes his crew available on a forest fire. In addition to

subsisting his own crew he furnishes subsistence to a Forest Service work crew also engaged in suppressing the same fire, such subsistence to the Forest Service crew being furnished as a matter of convenience and economy from the operator's provisions which were immediately available. Under the circumstances, the Forest Service would be authorized to reimburse the operator or else replace the supplies furnished by him in subsisting the Forest Service crew. The same situation might occur in reverse in which event the cooperator would either reimburse the Forest Service or replace the supplies in kind. Replacement when possible may in some instances be more advantageous than reimbursement.

#### SECTION 6

*Deposits, for brush and debris disposal.*—The present law authorizes acceptance of deposits from timber purchasers, at their option, to cover the cost of disposing of brush and debris resulting from cutting of national-forest timber purchased by them, with refund of any excess over the cost of doing the work. It is usually much more efficient to have all the brush and debris disposed of by one agency as a single operation, especially where timber sales are made to several purchasers within one logging unit or where there are several logging operations within a small radius. Under the present law brush from some sales may be disposed of by the Government, while that from other sales in the immediate vicinity is handled by the timber purchaser. Single operation ordinarily would result in more efficient and uniform disposal, and require less supervision on the part of the Forest Service.

Funds deposited for brush and slash disposal under this section will be pooled or grouped by administrative or management units, such as a national forest. This will facilitate the work on the ground, since crews will be able to integrate work on adjoining sale areas. Pooling funds will also be more economical as far as record and account keeping are concerned.

Any excess of deposits over the cost of disposing of the brush and debris should be transferred to the credit of the forest reserve fund in the Treasury rather than be refunded to the depositors, since the estimated cost of disposing of the brush has been taken into account as an operating expense in appraising the timber to be cut.

#### SECTION 7

*Term permits for structures and improvements.*—One example of the need for this authority relates to some tracts of land acquired for national-forest purposes on which reside families who have lived on the tracts for many years, and whose financial and other circumstances are such as to make difficult other living arrangements. Where their continued occupancy does not interfere with use of the land for national-forest purposes, it is desirable that they may continue to reside on these lands. The buildings occupied often are in bad condition but if reconditioned by the Forest Service the occupants would be unable to pay a commensurate fee for use of such reconditioned premises. In such cases the more humane and equitable arrangement would be to require the permittee to maintain the land and structures in habitable condition with his own labor as one of the requirements of occupancy, in which event he would pay a smaller or no rental for the occupancy of the Government land and improvements.



Another example might be where the Forest Service issued permits to groups or individuals covering occupancy of camps or other structures constructed during the CCC or other emergency program. Groups, such as Boy or Girl Scouts, church or civic organizations, etc., utilize these camps and structures to excellent advantage, thereby enabling people to enjoy short periods of outdoor forest recreation. In some instances these groups or users prefer to maintain the improvements through their own efforts, while in others they prefer to deposit funds under agreement and have the Forest Service handle the maintenance job—as part of the consideration for use of the facilities.

#### SECTION 8

*Subsistence services for demonstration participants, etc.*—Persons attending demonstrations of the results of research often live many miles from the demonstration area which is rarely located near a place where meals, lodging, and similar services are obtainable. Unless such accommodations can be supplied, many interested persons are unable to attend.

To provide maximum opportunities for enjoyment of certain types of recreational areas, arrangements for furnishing meals, lodging, and similar services are necessary, when such facilities are not otherwise available. It occasionally is impractical to adopt the concession plan since the areas are usually distant from existing commercial facilities and services and the commercial operator is not interested. The selling of fuel wood at a campground to prevent indiscriminate tree cutting is an example of a procedure which might be useful in some cases.

The receipts from these services should be credited to the appropriation that bears the cost of the supplies and services, since appropriations for regular activities are inadequate for these special and unbudgeted expenses. The furnishing of such services will occur only in unusual and special circumstances. The proposed language provides that any receipts obtained in excess of \$10,000 annually shall be deposited in the Treasury as miscellaneous receipts.

#### SECTION 9

*Supplying forest-tree seed and nursery stock.*—Reforestation is a very important phase of an adequate forest program. Often failure to reforest is due to inability to obtain suitable seed or planting stock. The primary purpose of this proposed legislation is to aid such program in a limited way by selling at cost rates any available forest-tree seed and nursery stock to any State or political subdivision thereof which is unable to procure or produce sufficient seed or stock to meet its requirements. Proceeds from such sales should be available to the Forest Service to carry on the cost of the procurement or production of the seed or stock.

The proposed legislation would permit the States and their political subdivisions to utilize the same privileges of purchasing tree seed and nursery stock as now enjoyed by Federal agencies. The proposal is in the interest of public conservation and the public good. It is similar to the authority conveyed under section 203 of the Department's organic act in the fire-protection field, which permits the Forest Service to sell supplies and equipment to State and private cooperators.



There has been an increasing number of requests from representatives of foreign countries for seed of forest trees indigenous to the United States. Where such seed is not obtainable from commercial sources it would be desirable in promoting good relations with other countries if the Forest Service is authorized to arrange with such countries for the sale or exchange of seed. The practice of furnishing without charge small quantities of seed desired by foreign countries for experimental purposes will be continued.

#### SECTION 10

*Residence telephones for seasonal protection personnel.*—The Forest Service has a large force of short-term fire-protection personnel employed 2 to 6 months each year during fire-danger periods whose services during the fire season may be needed at any time. Also, the services of local residents at strategic locations are procured for fire suppression when needed. Many have no personal need for a residence telephone, but during the fire season telephones are officially necessary in order that they may be reached immediately when fires occur. Where the personal use is inconsequential, it is reasonable that the Government have the telephones installed and bear the cost occasioned thereby. Since in many cases such telephones can be connected with Forest Service lines, the cost of commercial telephones in residences of seasonal employees and cooperators would not be great and would be more than compensated by savings in suppression cost and property damage.

#### SECTION 11

*Seeding leased range land.*—Occasionally it is desirable in the interest of good administration to make provision under a lease or other agreement with a Federal or State agency or with a private owner for seeding certain range land they administer or own when such land is intermingled with or adjacent to national forest or other land administered by the Forest Service. No seeding would be undertaken on this intermingled and adjacent land unless, by the express terms of the lease or agreement covering the arrangement, the Forest Service is empowered to control the use of such land for a sufficient period to reimburse the Government incident to the reseeding.

It should be understood that seeding operations under this section will be conducted only when it is in the interest of the United States. The purpose is not to reseed land for the use and benefit of its owner, but rather to provide for its use by national forest grazing permittees on overgrazed ranges. The major benefits will accrue to the United States.

Leasing and seeding of land other than national forest land is contemplated only in those situations where it is impracticable to solve a difficult overstocking problem without utilizing lands in other ownerships. The authority conveyed by this section would afford the most logical means in some cases of relieving overstocking on lands administered by the Forest Service. It would help to avoid drastic reductions in livestock use which if made would raise economic distress to small permittees and communities. Moreover, such projects would serve as valuable demonstrations in the localities concerned, thereby encouraging similar effort by private landowners.

Work under this section will be necessary only on a comparatively small scale and it is therefore proposed that a total of not more than 25,000 acres may be seeded annually and that seeding of private lands in any one ownership be limited to 1,000 acres. The period of leasing is also restricted to 20 years.

#### SECTION 12

*Range improvements from grazing collections.*—This section authorizes the Secretary of Agriculture to accept deposits of money from grazing permittees to cover the cost of installing range fences and other range improvements, including range reseeding.

In many cases Forest Service ranges are used jointly by a large number of individuals, most of whom have only a small grazing permit. Under such circumstances, there is almost no way at present by which the needed improvements could be installed by the individual users. They have neither the trained personnel nor suitable equipment for handling the range improvement work. The Forest Service does have both the personnel and the needed equipment, so that with the Forest Service doing the work as a single operation it could be done more efficiently and require less supervision than where it is attempted by individual permittees.

This section would permit the Forest Service to determine the improvements or maintenance needed on the various range allotments and to utilize a portion of the regular grazing collections in defraying all the costs incident to revegetation, eradication of poisonous plants, control of rodents, and the construction and maintenance of miscellaneous improvements. The funds to be utilized would be placed in a special account and held available for the planned work. Any unexpended balance following completion of the projected work would be transferred to the Forest reserve fund.

The principle of this section is the same as that embodied in section 3 of the Knutson-Vandenberg Act (16 U. S. C. 576-b). That law authorizes acceptance of deposits from timber purchasers to cover the cost of planting trees, sowing tree seeds and cutting, destroying or otherwise removing undesirable trees or other growth in order to improve the future stand of timber. The Forest Service desires not only to protect but also, within limits of sustained yield, to utilize to the greatest possible extent both the forest and range resources. Such utilization is bound to result at times in some adverse effect on these resources. For the forest resource Congress has provided the needed corrective action in the Knutson-Vandenberg Act of June 9, 1930. This section will make legislative provision also for rehabilitation of the range resource.

#### SECTION 13

*Sites for headquarters and other purposes.*—At the time the present law was enacted more than 20 years ago, most forest headquarters and ranger stations were found in small villages or rural localities. Since then, the demands of public convenience have often made it necessary to locate ranger stations in community centers and to locate forest headquarters in key cities and towns where it is not always possible to rent suitable quarters. Section 13 would authorize the purchase of sites on which to construct forest headquarters and ranger stations and, in addition, dwellings, shops, warehouses, and other

structures required in carrying out the authorized activities of the Forest Service as well as authorizing the purchase of small pasture sites, small airfield sites, and necessary emergency landing fields. Shops, warehouses, etc., must necessarily be located in or near sizable towns and cities where public utilities, commercial power, and labor are available.

Land values are naturally higher in urban areas and they have been increasing steadily in recent years. It is obvious, therefore, that the present annual purchase limitation of \$2,500 which may have been reasonable under conditions prevailing 20 years ago is now wholly inadequate. The proposed legislation provides a limitation of \$25,000 for site purchases during any one fiscal year. It should be understood that this authorization includes the costs of all administrative sites purchased by the Forest Service during any fiscal year.

#### SECTION 14

(a) *Acquiring winter range.*—Effective protection of the national forests in Montana, northern Idaho, and northeastern Washington requires annual use of approximately 1,500 head of pack, saddle, and draft horses and mules. During 6 months of each year, these animals are pastured either at the remount depot or on the various national forests to which they are assigned, but from November to April no range for such animals is available on national forest lands. In earlier years, winter pasture was rented at various points throughout the region, but the tenure was uncertain, the rates per month were high, and the costs of distributing, collecting, supervising, and caring for the animals were large.

Eventually a single winter range was established on the breaks of the Clark's Fork River in Sanders County, Mont., where slope, exposure, and forage cover permitted winter grazing with only limited supplementary feed.

To make this winter range available, it was necessary to lease approximately 40,000 acres of grazing land at an annual rental of approximately \$14,500. However, the arrangement is uncertain and unstable because of the changing ownership and changes in the plans of the owners. The importance and economy of the arrangement is now so well established by long years of practical use, and the discontinuance would be so disruptive, that it definitely would be to the public interest to make the arrangement permanent through the acquisition of the lands now occupied. No other equal opportunity for winter pasture is known.

Practically all of the existing leases are for relatively short terms—3 years or less. Some of the lessors have already served notice of intention to sell their holdings on expiration of their leases. Even a refusal to renew an appreciable number of those leases expiring in the next 3 years will very seriously hamper if not completely nullify existing arrangements. This insecurity of tenure clearly points to acquisition of the area now in use as the only practical solution. Fortunately, most of the leases now contain an option provision which will permit the United States to purchase at reasonable prices in the event this proposal is enacted.

The proposal would make possible the progressive acquisition of those lands, subject to such reservations and outstanding rights as



the Secretary determines will not interfere. The estimated cost for all of the leased lands is in the neighborhood of \$283,000.

(b) *Acquiring laboratory site.*—When the present laboratory plant was built almost 14 years ago, 10 acres was considered a minimum requirement and this is all that was provided. However, it was soon apparent that more space should have been provided when crowded conditions required exposure tests to be installed at far-away locations where it is impossible to adequately maintain, protect, and inspect them effectively. Such tests on plywood, paints, finishes, preservatives, etc., are becoming increasingly more important and necessary and unless more space is provided for them, the investigations must be undesirably curtailed.

Temporary buildings now serve as a garage and as a pilot plant for investigations of alcohol from sawdust and other wood waste. These buildings have been located on the original site in crowded quarters and are a detriment to the main building. They should be removed but there is no space for them available. Likewise, additional pilot plants for hydrogenation of lignin and similar projects are contemplated and the expansion of these activities will eventually require the expansion of power-plant facilities for all of which more land is needed.

Storage is another problem which is causing considerable trouble. Equipment is occupying congested open areas because of insufficient storage space. Logs, lumber and many other supplies needed in the work cannot be adequately stored and protected because land is not available for storage ponds to keep material in a green condition or for storage space under cover to prevent deterioration.

Merely from the standpoint of assuring space for expansion, the tract adjacent to the laboratory should be purchased because if it is once developed for residence or other purposes, its value will be greatly increased and it could then be secured only with great difficulty. Besides, the expenditure necessary to acquire the property at this time is relatively insignificant when compared to the cost of the laboratory plant or to the inconvenience and inefficiency of operation which its lack is now causing.

(c) *Acquiring helicopter site.*—It is virtually certain from recent developments that the helicopter within a few years will be one of the most important means of transporting forest fire crews to areas not readily accessible by road or trail, and that the use of helicopters will obviate the need for a substantial part of the otherwise heavy expenditures for roads and trails. The operating base for these machines must be at a place suitably located with regard to the forests to be protected. It is planned to locate one such base at a point convenient to the four national forests in southern California. Only such acreage will be purchased as will be needed for landing space and for storage and repair structures.

#### SECTION 15

*Medical care for temporary employees.*—Laborers, fire-fighters, and others are commonly employed for work at a considerable distance from their homes. The work may be in a different county or a different State from that of the employee's residence, and some employees of this class are transients without any permanent residence.



It is not practicable to predetermine physical fitness and ability to withstand camp and mountain life. Consequently colds, pneumonia, septic sore throat, and other illnesses occur which if not treated may seriously endanger the employee's health or life and if contagious, may spread throughout the camp. Usually it is not possible to show a casual relationship between the employment and such illness so as to bring the case within the United States Employees' Compensation Act. Many employees have little or no money when hired, and unless the Forest Service can provide treatment the local governmental agencies would be called upon to bear the cost of the necessary medical attention. These authorities contend with considerable justification that since the Forest Service brings the men into the county or community, the Forest Service and not the community should bear the expense of caring for them in event of illness or injury.

#### SECTION 16

*Injury benefits for emergency personnel.*—Transient laborers, principally fire fighters without funds, often are injured in official work, and some time elapses before disability compensation payments can be effected by the United States Employees' Compensation Commission. Usually these employees are in need of some immediate funds, which could be provided through payment by the Forest Service from its appropriations of an amount not in excess of the amount that would be payable at Employees' Compensation Act rates for the period covered. In any case where the Commission decides that the injury is compensable under the Employees' Compensation Act provision is made for reimbursement from the Commission's funds to the appropriation from which payments were initially made by the Forest Service.

Contractors and permittees and their employees are required by the contract or permit to perform fire-fighting services under certain circumstances, without compensation from the Government. As they are not employees of the Government, they are not entitled to the benefits of the Compensation Act. When injuries in the official work occur, the Government should be authorized to bear the medical and hospitalization cost for a limited period until other satisfactory arrangements can be made.

#### SECTION 17

*Repeal of obsolete and impracticable provisions.*—The limitations on cost of buildings contained in section 2 of the act of March 3, 1925, and in the second proviso of section 1 of the act of May 22, 1928, have been superseded by much higher limitations (during the fiscal year 1945, \$7,500) during the past several years in the Forest Service section of the appropriation act for the Department of Agriculture.

Section 1 of the act of May 27, 1930, limits to \$8,000 per year the total additional expenditure for completion of water supply and sanitary systems costing in excess of \$500 per building. Similar to the general limitations on building construction referred to in the preceding paragraph, this limitation has been superseded in effect by the authority contained in section 703 of the Department of Agriculture organic act of 1944. Under this authorization, the appropriation act for the Department may prescribe the limitations upon

the cost of all phases of building and improvement construction. In view of this, section 1 of the 1930 act is no longer needed or appropriate.

Section 13 of the act of March 1, 1911, provides for distribution to counties of 25 percent of all money received from national forest land acquired under that act, with the proviso that there shall not be paid to any State for any county an amount in excess of 40 percent of the county's income from all other sources. This is inconsistent with the distribution of receipts from national forest lands that have been set apart from the public domain, as to which the 40 percent limitation does not apply. Payments to counties under this act are now approaching the 40 percent limit, in a few instances. To administer the limitation would require a determination each year with respect to each affected county of the amount of the county income from all other sources which may necessitate a complete audit of the county's collection records. Moreover, the repeal of the 40 percent provision is consistent with the proposals of the Federal Real Estate Board.

### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

#### ACT OF JUNE 30, 1914 (38 STAT. 415, 429)

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, Nineteen Hundred and Fifteen, for the purposes and objects hereinafter expressed, namely: \* \* \* Department of Agriculture \* \* \* Forest Service \* \* \*. For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within the national forests, and for experiments and investigations necessary for such seeding and tree planting, \$165,640: *Provided, That [hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals whenever in his discretion such method is most economical and in the public interest and when the cost thereof will] the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest.*

\* \* \* \* \*

#### DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

SEC. 205. The Forest Service *by contract or otherwise* may provide for [the maintenance] *procurement* and operation of aerial [fire control by contract or otherwise] *facilities and services for the protection and management of the national forests*, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

\* \* \* \* \*

#### ACT OF MARCH 3, 1925, 43 STAT. 1132

SEC. 1. (a) *The Forest Service is authorized where the public interest justifies to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost or the depositor's share thereof, for administration, pro-*

tection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.*

(b) *Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.*

(c) **[All]** Moneys **[received as contributions toward reforestation or for the administration or protection of lands within or near national forests]** deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is **[authorized to be appropriated]** hereby made available until expended for **[the]** payment of the **[expenses of said reforestation, administration, or protection]** cost of work performed by the Forest Service and for refunds to **[the contributors]** depositors of amounts **[heretofore or hereafter paid in]** deposited by **[or for]** them in excess of their share of **[the]** said cost **[but the United States shall not be liable for any damage incident to cooperation hereunder]**: *Provided, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: Provided further, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: Provided further, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.*

\* \* \* \* \*

#### ACT OF AUGUST 11, 1916 (39 STAT. 446, 462)

**[That hereafter deposits]** Purchasers of national forest timber may be **[received from timber purchasers in such sums as the Secretary of Agriculture may require]** required to **[cover]** deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations **[in sales of national-forest timber]**; such deposits to **[shall]** be covered into the Treasury and **[shall]** constitute a special fund, which is hereby appropriated and **[made]** shall remain available until expended **[, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to depositors of amounts deposited by them in excess of such cost]**: *Provided, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest reserve fund, to be credited to the receipts of the year in which such transfer is made.*

\* \* \* \* \*

#### ACT OF MARCH 3, 1925 (43 STAT. 1133)

SEC. 5. Where no suitable Government land is available for national forest headquarters, **[or]** ranger stations, dwellings or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of **[any funds appropriated for building improvements on the national forests, but not more than \$2,500 shall be so expended in any one year;]** the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose; *Provided, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired. Provided further, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority.*

\* \* \* \* \*



ACT OF MARCH 3, 1925 (43 STAT. 1133)

SEC. 6. That the Secretary of Agriculture is hereby authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial: *Provided, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.*

\* \* \* \* \*

ACT OF MARCH 3, 1925 (43 STAT. 1132)

SEC. 2. That in addition to buildings costing not to exceed \$1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national-forest purposes at not to exceed \$2,500 each, and three at not to exceed \$2,000 each: *Provided, That the cost of a water supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of \$2,000 each, and no such water supply and sanitary system shall cost in excess of \$500.*

\* \* \* \* \*

ACT OF MAY 22, 1928 (45 STAT. 699; 16 U. S. C. 581)

SEC. 1. That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments, and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided, That in carrying out the provisions of this Act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this Act, and in making refunds to contributors: [Provided further, That the cost of any building purchased, erected, or as improved in carrying out the purposes of this Act shall not exceed \$2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building:]* *Provided further, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: Provided further, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this Act making provision for investigations of forest tree and wood diseases, forest insects, and forest wildlife, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: And provided further, That the provisions of this Act shall be construed as supplementing all other Acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.*

\* \* \* \* \*



ACT OF MAY 27, 1930 (46 STAT. 387)

SEC. 1. [That the Secretary of Agriculture is authorized to expend not to exceed \$8,000 annually, out of any money appropriated for the improvement or protection of the national forests, for the fiscal year 1930 or for subsequent years, in the completion of water supply or sanitary systems costing in excess of the \$500 limitation as imposed by the Act of March 3, 1925 (Forty-third Statutes, page 1132).]

\*                      \*                      \*                      \*                      \*                      \*

ACT OF MARCH 1, 1911 (36 STAT. 961), 963, AS AMENDED BY THE ACT OF JUNE 30, 1914 (38 STAT. 415, 441)

SEC. 13. That 25 per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein [ : *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such country from all other sources].



Union Calendar No. 490

81ST CONGRESS  
1ST SESSION

# H. R. 5839

[Report No. 1189]

---

## IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 1949

Mr. GRANGER introduced the following bill; which was referred to the Committee on Agriculture

AUGUST 4, 1949

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

---

## A BILL

To facilitate and simplify the work of the Forest Service, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding the provisions of existing law and  
4       without regard to section 355, Revised Statutes, as amended  
5       (40 U. S. C. 255), but within the limitations of cost other-  
6       wise applicable, appropriations of the Forest Service may be  
7       expended for the erection of buildings, lookout towers, and  
8       other structures on land owned by States, counties, munici-  
9       palities, or other political subdivisions, corporations, or in-  
10      dividuals: *Provided*, That prior to such erection there is  
11      obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4 SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19 SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's



1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work

1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 izations, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by

1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national forest resources and recreational facilities,



1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefor to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the appro-  
17 priation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received;



1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5 SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16 SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 as a part of the established fee for the use of the range, to  
16 cover the cost to the United States of (1) artificial revegeta-  
17 tion, including the collection or purchase of necessary seed;  
18 (2) construction and maintenance of drift or division fences  
19 and stock-watering places, bridges, corrals, driveways, or  
20 other necessary range improvements; (3) control of range-  
21 destroying rodents; or (4) eradication of poisonous plants and  
22 noxious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal

1 year limitation, to be available to cover the cost to the United  
2 States of such artificial revegetation, construction, and main-  
3 tenance of range improvements, control of rodents, and erad-  
4 ication of poisonous or noxious plants: *Provided further,*  
5 That whenever the Secretary of Agriculture determines that  
6 any portion of any deposit is in excess of the cost of doing  
7 said work, such excess shall be transferred to miscellaneous  
8 receipts, forest reserve fund, as a national-forest receipt of  
9 the fiscal year in which such transfer is made.

10 SEC. 13. That section 5 of the Act of March 3, 1925  
11 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
12 read as follows:

13 "Where no suitable Government land is available for  
14 national forest headquarters, ranger stations, dwellings, or  
15 for other sites required for the effective conduct of the author-  
16 ized activities of the Forest Service, the Secretary of Agri-  
17 culture is hereby authorized to purchase such lands out of  
18 the appropriation applicable to the purpose for which the  
19 land is to be used, and to accept donations of land for any  
20 national forest or experimental purpose: *Provided,* That such  
21 lands may be acquired subject to such reservations and  
22 outstanding interests as the Secretary determines will not  
23 interfere with the purpose for which acquired: *Provided*  
24 *further,* That not to exceed \$25,000 may be expended in  
25 any one fiscal year pursuant to this authority."



1        SEC. 14. There are hereby authorized to be appro-  
2        priated—

3        (a) such sums as may be necessary for the acqui-  
4        sition of parcels of land and interests in land in Sanders  
5        County, Montana, needed by the Forest Service to  
6        provide winter range for its saddle, pack, and draft  
7        animals;

8        (b) not to exceed \$50,000 for the acquisition of  
9        additional land adjacent to the present site of the Forest  
10       Products Laboratory at Madison, Wisconsin; and

11       (c) not to exceed \$25,000 for the acquisition of one  
12       helicopter landing site in southern California.

13       Land acquired under this section may be subject to such  
14       reservations and outstanding interests as the Secretary of  
15       Agriculture determines will not interfere with the purpose  
16       for which acquired.

17       SEC. 15. That section 6 of the Act of March 3, 1925  
18       (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
19       substituting a colon for the period at the end thereof and  
20       adding the following: "*Provided*, That when a transient  
21       without permanent residence, or any other person while  
22       away from his place of residence, is temporarily employed  
23       by the Forest Service and while so employed becomes  
24       disabled because of injury or illness not attributable to official  
25       work, he may be provided hospitalization and other neces-



1 sary medical care, subsistence, and lodging for a period of  
2 not to exceed fifteen days during such disability, the cost  
3 thereof to be payable from any funds available to the Forest  
4 Service applicable to the work for which such person is  
5 employed.”

6 SEC. 16. Appropriations of the Forest Service charge-  
7 able with salaries and wages shall be available for pay-  
8 ment to temporary employees of the Forest Service for loss  
9 of time due to injury in official work at rates not in excess  
10 of those provided by the United States Employees' Compens-  
11 ation Act, as amended (5 U. S. C., 751 and the following),  
12 when the injured person is in need of immediate financial  
13 assistance to avoid hardship: *Provided*, That such payment  
14 shall not be made for a period in excess of fifteen days and  
15 the United States Employees' Compensation Commission  
16 shall be notified promptly of the amount so paid, which  
17 amount shall be deducted from the amount, if any, other-  
18 wise payable by the United States Employees' Compensation  
19 Commission to the employee on account of the injury, the  
20 amount so deducted by the Commission to be paid to the  
21 Forest Service for deposit to the credit of the Forest Service  
22 appropriation from which the expenditure was made: *Pro-*  
23 *vided further*, That when any person assisting in the sup-  
24 pression of forest fires or in other emergency work under the  
25 direction of the Forest Service, without compensation from

1 the United States, pursuant to the terms of a contract, agree-  
2 ment, or permit, is injured in such work, the Forest Service  
3 may furnish hospitalization and other medical care, subsist-  
4 ence, and lodging for a period of not to exceed fifteen days  
5 during such disability, the cost thereof to be payable from the  
6 appropriation applicable to the work upon which the injury  
7 occurred, except that this proviso shall not apply when such  
8 person is within the purview of a State or other compen-  
9 sation Act: *Provided further*, That determination by the  
10 Forest Service that payment is allowable under this section  
11 shall be final as to payments made hereunder, but such  
12 determination or payments with respect to employees shall  
13 not prevent the United States Employees' Compensation  
14 Commission from denying further payments should the Com-  
15 mission determine that compensation is not properly allow-  
16 able under the provisions of the Employees' Compensation  
17 Act.

18 SEC. 17. (a) Section 2 of the Act of March 3, 1925  
19 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in  
20 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
21 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
22 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

23 (b) The second proviso in section 13 of the Act of  
24 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.

---

---

# **A BILL**

To facilitate and simplify the work of the Forest Service, and for other purposes.

---

---

By Mr. GRANGER

---

---

AUGUST 1, 1949

Referred to the Committee on Agriculture

AUGUST 4, 1949

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed







81ST CONGRESS  
1ST SESSION

# S. 2398

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 8 (legislative day, JUNE 2), 1949

Mr. THYE introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

---

## A BILL

To facilitate and simplify the work of the Forest Service, and  
for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That, notwithstanding the provisions of existing law and  
4       without regard to section 355, Revised Statutes, as amended  
5       (40 U. S. C. 255), but within the limitations of cost other-  
6       wise applicable, appropriations of the Forest Service may be  
7       expended for the erection of buildings, lookout towers, and  
8       other structures on land owned by States, counties, munici-  
9       palities, or other political subdivisions, corporations, or in-  
10      dividuals: *Provided*, That prior to such erection there is  
11      obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4 SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19 SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736; 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's



1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work

1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 izations, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by

1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national-forest resources and recreational facilities,

1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefore to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the approp-  
17 riation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received:



1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5       SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16       SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 as a part of the established fee for the use of the range, to  
16 cover the cost to the United States of (1) artificial revegeta-  
17 tion, including the collection or purchase of necessary seed;  
18 (2) construction and maintenance of drift or division fences  
19 and stock-watering places, bridges, corrals, driveways, or  
20 other necessary range improvements; (3) control of range-  
21 destroying rodents; or (4) eradication of poisonous plants and  
22 noxious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal

1 year limitation, to be available to cover the cost to the United  
2 States of such artificial revegetation, construction, and main-  
3 tenance of range improvements, control of rodents, and erad-  
4 ication of poisonous or noxious plants: *Provided further,*  
5 That whenever the Secretary of Agriculture determines that  
6 any portion of any deposit is in excess of the cost of doing  
7 said work, such excess shall be transferred to miscellaneous  
8 receipts, forest reserve fund, as a national-forest receipt of  
9 the fiscal year in which such transfer is made.

10 SEC. 13. That section 5 of the Act of March 3, 1925  
11 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
12 read as follows:

13 "Where no suitable Government land is available for  
14 national forest headquarters, ranger stations, dwellings, or  
15 for other sites required for the effective conduct of the author-  
16 ized activities of the Forest Service, the Secretary of Agri-  
17 culture is hereby authorized to purchase such lands out of  
18 the appropriation applicable to the purpose for which the  
19 land is to be used, and to accept donations of land for any  
20 national forest or experimental purpose: *Provided,* That such  
21 lands may be acquired subject to such reservations and  
22 outstanding interests as the Secretary determines will not  
23 interfere with the purpose for which acquired: *Provided*  
24 *further,* That not to exceed \$25,000 may be expended in  
25 any one fiscal year pursuant to this authority."



1        SEC. 14. There are hereby authorized to be appro-  
2        priated—

3            (a) such sums as may be necessary for the acquisi-  
4        tion of parcels of land and interests in land in Sanders  
5        County, Montana, needed by the Forest Service to  
6        provide winter range for its saddle, pack, and draft  
7        animals;

8            (b) not to exceed \$50,000 for the acquisition of  
9        additional land adjacent to the present site of the Forest  
10       Products Laboratory at Madison, Wisconsin; and

11           (c) not to exceed \$25,000 for the acquisition of one  
12       helicopter landing site in southern California.

13       Land acquired under this section may be subject to such  
14       reservations and outstanding interests as the Secretary of  
15       Agriculture determines will not interfere with the purpose  
16       for which acquired.

17       SEC. 15. That section 6 of the Act of March 3, 1925  
18       (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
19       substituting a colon for the period at the end thereof and  
20       adding the following: "*Provided*, That when a transient  
21       without permanent residence, or any other person while  
22       away from his place of residence, is temporarily employed  
23       by the Forest Service and while so employed becomes  
24       disabled because of injury or illness not attributable to official  
25       work, he may be provided hospitalization and other neces-



1 sary medical care, subsistence, and lodging for a period of  
2 not to exceed fifteen days during such disability, the cost  
3 thereof to be payable from any funds available to the Forest  
4 Service applicable to the work for which such person is  
5 employed.”

6 SEC. 16. Appropriations of the Forest Service charge-  
7 able with salaries and wages shall be available for pay-  
8 ment to temporary employees of the Forest Service for loss  
9 of time due to injury in official work at rates not in excess  
10 of those provided by the United States Employees' Compens-  
11 ation Act, as amended (5 U. S. C., 751 and the following),  
12 when the injured person is in need of immediate financial  
13 assistance to avoid hardship: *Provided*, That such payment  
14 shall not be made for a period in excess of fifteen days and  
15 the United States Employees' Compensation Commission  
16 shall be notified promptly of the amount so paid, which  
17 amount shall be deducted from the amount, if any, other-  
18 wise payable by the United States Employees' Compensation  
19 Commission to the employee on account of the injury, the  
20 amount so deducted by the Commission to be paid to the  
21 Forest Service for deposit to the credit of the Forest Service  
22 appropriation from which the expenditure was made: *Pro-*  
23 *vided further*, That when any person assisting in the sup-  
24 pression of forest fires or in other emergency work under the  
25 direction of the Forest Service, without compensation from

1 the United States, pursuant to the terms of a contract, agree-  
2 ment, or permit, is injured in such work, the Forest Service  
3 may furnish hospitalization and other medical care, subsist-  
4 ence, and lodging for a period of not to exceed fifteen days  
5 during such disability, the cost thereof to be payable from the  
6 appropriation applicable to the work upon which the injury  
7 occurred, except that this proviso shall not apply when such  
8 person is within the purview of a State or other compen-  
9 sation Act: *Provided further*, That determination by the  
10 Forest Service that payment is allowable under this section  
11 shall be final as to payments made hereunder, but such  
12 determination or payments with respect to employees shall  
13 not prevent the United States Employees' Compensation  
14 Commission from denying further payments should the Com-  
15 mission determine that compensation is not properly allow-  
16 able under the provisions of the Employees' Compensation  
17 Act.

18 SEC. 17. (a) Section 2 of the Act of March 3, 1925  
19 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in  
20 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
21 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
22 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

23 (b) The second proviso in section 13 of the Act of  
24 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.

81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> Session

S. 2398

---

# A BILL

To facilitate and simplify the work of the  
Forest Service, and for other purposes.

---

By Mr. THYE

---

AUGUST 8 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on  
Agriculture and Forestry







donal forest within the State of Michigan: Lots 2, 3, 4, 5, 6, and 7 of block 13, all of block 14, lots 1 to 10, inclusive, of block 15, lots 1 to 12, inclusive, of block 16, of Newman's Addition, East Tawas, Iosco County, Mich.: *Provided*, That any lands conveyed to the United States under the provisions of this act shall be subject to all of the laws and rules and regulations applicable to lands acquired under the aforementioned act of March 1, 1911, as amended.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### DRY-LAND AND IRRIGATION FIELD STATIONS

The Clerk called the bill (H. R. 5679) to authorize the transfer of certain agricultural dry-land and irrigation field stations to the States in which such stations are located, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CASE of South Dakota. Mr. Speaker, reserving the right to object, I should like to ask the gentleman from Utah [Mr. GRANGER], whether or not the committee has accepted or will offer an amendment to eliminate South Dakota from the bill in accordance with my discussions with him?

Mr. GRANGER. I may say to the gentleman from South Dakota that we did eliminate the station he appeared before the committee and gave us information about. It was in a different category and it is eliminated from the bill.

Mr. CURTIS. Mr. Speaker, reserving the right to object, can the gentleman inform us as to what States they are located in, or to put it another way, are there any in the State of Nebraska?

Mr. GRANGER. A station at Mitchell, Nebr., is covered by this bill.

Mr. CURTIS. The station in question is located in the district of my colleague the gentleman from Nebraska [Mr. MILLER], who is detained and cannot be here this morning. I do not propose to object to the consideration of the measure, but I am wondering if an objection is later placed in the Senate that will be agreeable to the gentleman's committee.

Mr. GRANGER. That would be very agreeable. I am reasonably sure there is no objection on the part of anybody to continuing this station in Nebraska.

Mr. CURTIS. I thank the gentleman very much.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture is authorized, at such times as he deems appropriate, to convey by appropriate conveyances, without consideration, the interest of the United States in the lands, including water rights, buildings, and improvements presently comprising or appurtenant to the following dry land and irrigation field stations, to the States in which such stations are located, when, in the opinion of the Secretary of Agriculture, the transfer of any such station will result in establishing a more effective program in the cooperative agricultural experimental work of the Department of Agriculture and the respective State and the furtherance of agricultural experimental work on a national or

regional basis will be better served by such transfer: Huntley, Mont., Mitchell, Nebr., Fallon, Nev., Tucumcari, N. Mex., Lawton, Okla., Hermiston, Oreg., Sheridan, Wyo.: *Provided*, That when any or all of the land, including water rights, comprising any such station in public-domain land, only the Secretary of the Interior may by patent or other appropriate conveyance transfer such lands to the respective States: *Provided further*, That when any easement necessary to a station conveyed or patented hereunder is on public-domain lands, only the Secretary of the Interior may grant such easements to the State to which the station has been conveyed.

SEC. 2. Conveyances or patents hereunder shall be upon such conditions as in the opinion of the Secretary of Agriculture will assure the use of such station in the cooperative agricultural experimental work of the Department of Agriculture and the respective State. Any such conveyances of the land shall contain a reservation to the United States of all the minerals in the land together with the right to prospect for, mine, and remove the same under such regulations as the Secretary of the Interior may prescribe.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### BUFFALO RAPIDS IRRIGATION PROJECT

The Clerk called the bill (H. R. 829) to authorize the Secretary of Agriculture to accept buildings and improvements constructed and affected by the Buffalo Rapids Farms Association on project lands in the Buffalo Rapids water conservation and utilization project and canceling certain indebtedness of the association, and for other purposes.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture is hereby authorized and directed, within 1 year from the date of this act, to accept, on behalf of the United States, the interest of the Buffalo Rapids Farms Association, a Montana corporation hereinafter referred to as the association, in all buildings, structures, improvements, or alterations therein, constructed, erected, placed, or made by the association on project lands in the Buffalo Rapids water conservation and utilization projects, divisions I and II, hereinafter referred to as the project, situated in the State of Montana and established pursuant to the provisions of the Item Water conservation and utility projects in the Interior Department Appropriation Act, 1940 (53 Stat. 685, 719), and designated a project under the act of August 11, 1939, as amended (16 U. S. C. (and Supp.) 590y-590z-11), as provided therein, and, upon the acceptance thereof, the then unpaid balance of the obligations of the association, including unpaid accrued interest, under mortgage notes dated January 19, 1942, March 31, 1942, April 9, 1942, and October 27, 1942, originally in the total amount of \$220,000, executed by the association and delivered to the United States pursuant to loan contract numbered A-10-FSA-382-PC-MT-104, dated December 4, 1941, between the association and the United States, shall be deemed to have been fully paid and satisfied, and said buildings, structures, improvements, or alterations therein shall be administered and disposed of by the Secretary of Agriculture as part of the project, in the same manner as though acquired with project lands under the provisions of section 5 (a) of the act of August 11, 1939, as amended (16 U. S. C. 590z-3 (a)).

The bill was ordered to be engrossed and read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

#### SURPLUS PROPERTY FOR INDIAN USE IN NEW MEXICO

The Clerk called the bill (H. R. 5556) to make available for Indian use certain surplus property at the Wingate Ordnance Depot, N. Mex.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That the Secretary of the Army is hereby authorized and directed to transfer to the Department of the Interior, for use by the Bureau of Indian Affairs, that portion of the Fort Wingate Military Reservation, N. Mex., comprising approximately 13,150 acres, heretofore determined to be surplus to the requirements of the Department of the Army. Title to the land so transferred shall remain in the United States for the use of the Bureau of Indian Affairs.

SEC. 2. All contractual rights and all property right, title, and interest of the United States in and with respect to structures and improvements in Veterans' Temporary Housing Project NM-VN-29166, located on land of the Navajo Tribe of Indians, and known as Wingate Navajo Village, Gallup, N. Mex., are hereby relinquished and transferred to the Navajo Tribe of Indians. After the date of enactment of this act, the provisions of the act entitled "An act to expedite the provision of housing in connection with national defense, and for other purposes," approved October 14, 1940 (54 Stat. 1125), as amended, shall not apply to said temporary housing project.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### FACILITATION OF THE WORK OF THE FOREST SERVICE

The Clerk called the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. CUNNINGHAM. Mr. Speaker, reserving the right to object, may I inquire of the author of the bill, the gentleman from Utah [Mr. GRANGER], as to the probable cost involved and why there is no report from the Department of Agriculture?

Mr. GRANGER. Mr. Speaker, I may say to the gentleman from Iowa that this bill was passed last year by the House by unanimous consent. If the gentleman will notice in the report he will find the report of the Department of last year on this bill. Of course, we did not ask for another report although we did hold hearings on it. However, the report of last year is in the report.

Mr. CUNNINGHAM. The report is favorable, both from the Bureau of the Budget and from the Department of Agriculture?

Mr. GRANGER. The gentleman is correct.

Mr. CUNNINGHAM. There is no material change between this bill and the bill passed during the last Congress?

Mr. GRANGER. That is right.

The SPEAKER. Is there objection to the present consideration of the bill?

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.*, That, notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as



amended (40 U. S. C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

Sec. 2. That so much of the act of June 30, 1914 (38 Stat. 415, 429, 16 U. S. C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest."

Sec. 3. The provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

Sec. 4. That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to read as follows:

"Sec. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."

Sec. 5. That section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended to read as follows:

"Sec. 1. (a) The Forest Service is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost or the depositor's share thereof, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) Moneys deposited under this section shall be covered into the Treasury and shall

constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

Sec. 6. That so much of the act of August 11, 1916 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national-forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to the depositors of amounts deposited by them in excess of such cost," is hereby amended to read as follows: "Purchasers of national-forest timber may be required to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made."

Sec. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding 30 years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

Sec. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation

from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

Sec. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurseries.

Sec. 10. Notwithstanding the provisions of section 7 of the act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests shall be available to pay for telephone service installed in residences of seasonal employees and of persons cooperating with the Forest Service who reside within or near the national forests when such installation is needed in protecting the national forests: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

Sec. 11. Whenever such action is deemed to be in the public interest, the Forest Service is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land other than national forest land and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than 1,000 acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than 25,000 acres in any 1 fiscal year: *Provided further*, That the period of any lease under this authority may not exceed 20 years.

"Sec. 12. The Secretary of Agriculture, when in his judgment such action will be in the public interest, and under such regulations as he may prescribe, may require any grazing permittee of a national forest to make deposits of money, as a part of the established fee for the use of the range, to cover the cost to the United States of (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, on such national forest in order to



protect or improve the future productivity of the range: *Provided*, That such deposits shall constitute a special fund, without fiscal year limitation, to be available to cover the cost to the United States of such artificial revegetation, construction, and maintenance of range improvements, control of rodents, and eradication of poisonous or noxious plants: *Provided further*, That whenever the Secretary of Agriculture determines that any portion of any deposit is in excess of the cost of doing said work, such excess shall be transferred to miscellaneous receipts, forest reserve fund, as a national-forest receipt of the fiscal year in which such transfer is made.

SEC. 13. That section 5 of the act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority."

SEC. 14. There are hereby authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of parcels of land and interests in land in Sanders County, Mont., needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wis.; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

SEC. 15. That section 6 of the act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided*, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed 15 days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed."

SEC. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U. S. C., 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided*, That such payment shall not be made for a period in excess of 15 days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise available by the United States Employees' Compensation Commission to the employee on account of

the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further*, That when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed 15 days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation act: *Provided further*, That determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the commission determine that compensation is not properly allowable under the provisions of the Employees' Compensation Act.

SEC. 17. (a) Section 2 of the act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 571); the second proviso in section 1 of the act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581); and section 1 of the act of May 27, 1930 (46 Stat. 357; 16 U. S. C. 573), are hereby repealed.

(b) The second proviso in section 13 of the act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RESERVE LAND FOR SUMMIT LAKE INDIAN RESERVATION

The Clerk called the bill (H. R. 4069) to reserve certain land on the public domain in Nevada for addition to the Summit Lake Indian Reservation.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That the southeast quarter, northeast quarter, and northeast quarter southeast quarter section 20, township 42 north, range 26 east, Mount Diablo Meridian, Nev., situated within the exterior boundaries of the Summit Lake Indian Reservation, Humboldt County, Nev., containing 80 acres, be, and the same are hereby, withdrawn from the public domain, subject to valid existing rights heretofore initiated under any of the public land laws, and reserved as an addition to the Summit Lake Indian Reservation for the use and benefit of the Indians of that reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### EXCHANGE OF INDIAN LANDS IN UTAH

The Clerk called the bill (H. R. 5390) to authorize the Secretary of the Interior to exchange certain Navajo tribal Indian land for certain Utah State land.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That the Secretary of the Interior or his authorized representative is authorized, with the consent of the governing body of the Navajo Indian Tribe, to exchange the surface rights in Naval Tribal Indian land described as the south

half southwest quarter section 24; northwest quarter, northeast quarter, southeast quarter, and north half southwest quarter section 25, township 43 south, range 15 east, S. L. B. & M., containing 640 acres, more or less, for the surface rights in land of the State of Utah described as all of section 32, township 43 south, range 16 east, S. L. B. M., all in San Juan County, Utah. Title to the Indian land exchanged shall be transferred by the Secretary of the Interior to the State of Utah by the issuance of a patent in fee. Title to the State lands to be conveyed to the Indians shall be taken in the name of the United States in trust for the Navajo and such other Indians as the Secretary of the Interior may see fit to settle thereon, and shall be satisfactory to the Secretary of the Interior.

SEC. 2. In the event the lands acquired by the State of Utah under the provisions of this act shall be used for airport purposes, members of the Navajo Tribe of Indians shall be given preference in employment in every phase of construction, operation, and maintenance of the airport for which they are qualified, notwithstanding any provisions to the contrary contained in the Federal Airport Act of May 13, 1946 (60 Stat. 170), or any other act of Congress.

With the following committee amendment:

Page 1, line 6, strike out "Naval" and insert "Navajo."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### RESERVE LANDS FOR THE GOSHUTE INDIAN RESERVATION

The Clerk called the bill (H. R. 4231) to reserve certain land on the public domain in Utah for addition to the Goshute Indian Reservation.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.*, That all vacant, unappropriated, public domain lands in the following described area, be, and they are hereby, added to the Goshute Indian Reservation, subject to all valid existing rights and claims:

Section 5, 6, 7, 8, 17, 18, 19, 20, 29, 30, and 31, all in township 10 south, range 19 west, Salt Lake base and meridian.

Lots 1 and 2 in fractional section 1 and fractional sections 12, 13, 24, and 25, all in township 10 south, range 20 west, Salt Lake base and meridian.

Lots 1, 2, 3, 4, northeast quarter, and northeast quarter southeast quarter in fractional section 12; lots 1, 2, 3, 4, northwest quarter southeast quarter, and south half southeast quarter in fractional section 13; and fractional sections 1, 24, and 25, all in township 11 south, range 20 west, Salt Lake base and meridian.

Lots 1, 2, 3, 4, 5, and 6 in fractional section 1, and lots 1 and 2 in fractional section 12, all in township 12 south, range 20 west, Salt Lake base and meridian.

The northeast quarter northwest quarter of section 27, in township 12 south, range 19 west, Salt Lake base and meridian.

Upon the termination of any rights to, or appropriation of, any lands within the exterior limits of the area added to the Goshute Indian Reservation by this act, the lands thus released shall become a part of the reservation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.



# RE-TIMBER ON FLATHEAD INDIAN RESERVATION

The Clerk called the bill (H. R. 4509) to amend the Act of February 25, 1920 (41 Stat. 452), and for other purposes.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That the second proviso of the act entitled "An act for the relief of certain members of the Flathead Nation of Indians, and for other purposes," approved February 25, 1920 (41 Stat. 452), is amended by striking out "when the merchantable timber has been cut from any lands allotted hereunder" and substituting in lieu thereof "when the first cutting of merchantable timber from any lands allotted hereunder has been completed."

SEC. 2. The right heretofore reserved to the United States in any of the patents for allotments issued under the provisions of said act of February 25, 1920 (41 Stat. 452), to cut and market timber for the benefit of the Confederated Salish and Kootenai Tribes of the Flathead Reservation shall be limited to the cutting of so much of the merchantable timber on such allotments as may be cut during the first cutting operations on such allotments, and when such cutting operations have been completed, the tide to the residual timber on such allotments shall thereupon pass to the respective allottees on their heirs or devisees.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## LEASING OF RESTRICTED INDIAN LANDS

The Clerk called the bill (H. R. 5098) to authorize the leasing of restricted Indian lands for public, religious, educational, recreational, business, and other purposes requiring the grant of long-term leases.

There being no objection, the Clerk read the bill as follows:

*Be it enacted, etc.,* That any restricted Indian lands, whether tribally or individually owned, may be leased by the Indian owners, with the approval of the Secretary of the Interior, for public, religious, educational, recreational, or business purposes, including the development or utilization of natural resources in connection with operations under such leases, and for those farming purposes which require the making of a substantial investment in the improvement of the land for the production of specialized crops as determined by said Secretary. All leases so granted shall be for a term of not to exceed 25 years, but leases for public, religious, educational, recreational, or business purposes may include provisions authorizing their renewal for an additional term of not to exceed 25 years, and all leases shall be made under such regulations as may be prescribed by the Secretary of the Interior.

SEC. 2. Restricted lands of deceased Indians may be leased under this act, for the benefit of their heirs or devisees, in the circumstances and by the persons prescribed in the act of July 8, 1940 (54 Stat. 745; 25 U. S. C., 1946 edition, sec. 380).

SEC. 3. No rent or other consideration for the use of land leased under this act shall be paid or collected more than 5 years in advance, unless so provided in the lease.

SEC. 4. The act of August 9, 1946 (60 Stat. 962; 25 U. S. C., 1946 edition, secs. 403b and 403c), is hereby repealed, but this repeal shall not be construed to affect the validity of any lease entered into under such act prior to, or within 90 days after, the approval of this act.

SEC. 5. Nothing contained in this act shall be construed to repeal any authority to lease restricted Indian lands conferred by or pur-

suant to any other provision of law, except as specifically provided in section 4.

With the following committee amendments:

Page 2, line 4, after the word "purposes" insert "with the consent of both parties."

Page 2, line 7, after the word "leases" insert "and renewals."

Page 2, line 7, after the word "such" insert "terms."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

## PATENTS HELD BY VETERANS OF WORLD WAR II

The Clerk called the bill (H. R. 4692) to provide for the extension of the term of certain patents of persons who served in the military or naval forces of the United States during World War II.

There being no objection, the Clerk read the bill, as follows:

*Be it enacted, etc.,* That any person who served honorably in the military or naval forces of the United States at any time between December 7, 1941, and September 2, 1945—

(a) who is the inventor or discoverer of an invention or discovery for which a patent was granted to him prior to September 2, 1945, the original term of which had not expired prior to said date and which is still owned by him, or who was prior to said date and continuously thereafter the sole owner of a patent for an invention or discovery which had not expired prior to said date; and

(b) who, between December 7, 1941, and the date of enactment of this act, was not receiving or was deprived of income from said patent, or his income therefrom was substantially reduced, as a result of his said service,

may obtain an extension of his patent for the term specified herein, upon application to the Commissioner of Patents within 1 year after the enactment of this act and upon complying with the provisions of this act. The period of extension of such patent shall be a further term from the expiration of the original term thereof equaling twice the length of the portion of his said service between the dates of December 7, 1941, and September 2, 1945, during which his patent was in force.

SEC. 2. (a) The application for extension shall be accompanied by a fee of \$30 and shall include a verified statement, accompanied by supporting evidence, of all facts necessary to obtain the extension. The application shall also include a statement of the names of all persons, firms, or corporations, if any, holding at the time of the passage of this act, any right or interest in or under the patent.

(b) In the case of a person, as described in section 1 of this act, who dies, or has died, or who becomes insane or unable to act, which person owned an interest as described in this act in said patent at the time of his death or at the time he was declared mentally incompetent or become unable to act, such application may be filed or proceeded with by his legal representative substantially as provided in section 4896 of the Revised Statutes of the United States, as amended (sec. 46, title 35, U. S. C.), with respect to proceedings in such cases for obtaining a patent.

SEC. 3. On the filing of such application the Commissioner of Patents shall cause an examination thereof to be made and, if on such examination it shall appear that such

application conforms, or by amendment or supplement is made to conform, to the requirements of this act, the Commissioner shall cause notice of such application to be published at least once in the Official Gazette. Any person who believes that he would be injured by such extension may within 45 days from such publication oppose the same on the ground that any of the statements in the application for extension is not true in fact, which notice of opposition shall be verified. In all cases where notice of opposition is filed the Commissioner of Patents shall notify the applicant for extension thereof and set a day for hearing. If after such hearing the Commissioner of Patents is of the opinion that such extension should not be granted, he may deny the application therefor, stating in writing his reasons for such denial. Where an extension is refused the applicant therefor shall have the same remedy by appeal from the decision of the Commissioner to the United States Court of Customs and Patent Appeals as is now provided by law where an applicant for patent is dissatisfied with the decision of the Patent Office Board of Appeals. If no opposition to the grant of the extension is filed, or if, after opposition is filed, it shall be decided that the applicant is entitled to the extension asked for, the Commissioner of Patents shall issue a certificate that the term of said patent is extended for the additional period provided therein and shall cause notice of such extension to be published in the Official Gazette and marked upon copies of the patent for sale by the Patent Office, in such manner as the Commissioner may determine.

SEC. 4. (a) Upon the issuance of the certificate of extension, said patent shall have the same force and effect in law as though it had been originally granted for 17 years plus the term of such extension, except as otherwise provided herein.

(b) No patent extended under the provisions of this act shall in any way serve as the basis for any claim by reason of manufacture, use, or sale by or for the United States during the period of extension, and the rights of the United States shall remain in all respects as if such patent had not been extended.

(c) No extension granted under the provisions of this act shall impair the right of anyone who before the passage of this act was bona fide in possession of any rights in patents or applications for patents conflicting with the rights in any patent extended under the act, nor shall any extension granted under this act impair the right of anyone who was lawfully manufacturing before the passage of this act the invention covered by the extended patent, but any such person shall have the right to make, use, and vend the invention covered by such conflicting patent or application for patent, or to continue or resume such manufacturing, during the extension of the patent, subject to the payment of a reasonable royalty for any period subsequent to the date on which the extension of the patent was granted: *Provided, however,* That any licensee under a patent which is extended shall have the option of continuing the license for the period of the extension or any part thereof on the same terms and conditions as contained in the existing license, or of discontinuing said license on the expiration of the original term of the patent: *Provided further,* That in the event an extension is not issued until after the date of expiration of the original term of the patent, any article or device made after said date and before the issuance of the extension, which would have infringed the patent had the patent been in force, may be sold or used after the issuance of the extension without any liability for infringement of the patent during the extended term by reason of such making, using, or vending.







81ST CONGRESS  
1ST SESSION

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

AUGUST 16 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Agriculture and Forestry

---

## AN ACT

To facilitate and simplify the work of the Forest Service, and  
for other purposes.

1        *Be it enacted by the Senate and House of Representa-*  
2        *tives of the United States of America in Congress assembled,*  
3        That, notwithstanding the provisions of existing law and  
4        without regard to section 355, Revised Statutes, as amended  
5        (40 U. S. C. 255), but within the limitations of cost other-  
6        wise applicable, appropriations of the Forest Service may be  
7        expended for the erection of buildings, lookout towers, and  
8        other structures on land owned by States, counties, munici-  
9        palities, or other political subdivisions, corporations, or in-  
10        dividuals: *Provided*, That prior to such erection there is  
11        obtained the right to use the land for the estimated life of or



1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4 SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19 SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's

1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work

1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 izations, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by



1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national forest resources and recreational facilities,

1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefor to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the appro-  
17 priation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received:

1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5 SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16 SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 as a part of the established fee for the use of the range, to  
16 cover the cost to the United States of (1) artificial revegeta-  
17 tion, including the collection or purchase of necessary seed;  
18 (2) construction and maintenance of drift or division fences  
19 and stock-watering places, bridges, corrals, driveways, or  
20 other necessary range improvements; (3) control of range-  
21 destroying rodents; or (4) eradication of poisonous plants and  
22 noxious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal



1 year limitation, to be available to cover the cost to the United  
2 States of such artificial revegetation, construction, and main-  
3 tenance of range improvements, control of rodents, and erad-  
4 ication of poisonous or noxious plants: *Provided further,*  
5 That whenever the Secretary of Agriculture determines that  
6 any portion of any deposit is in excess of the cost of doing  
7 said work, such excess shall be transferred to miscellaneous  
8 receipts, forest reserve fund, as a national-forest receipt of  
9 the fiscal year in which such transfer is made.

10 SEC. 13. That section 5 of the Act of March 3, 1925  
11 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
12 read as follows:

13 "Where no suitable Government land is available for  
14 national forest headquarters, ranger stations, dwellings, or  
15 for other sites required for the effective conduct of the author-  
16 ized activities of the Forest Service, the Secretary of Agri-  
17 culture is hereby authorized to purchase such lands out of  
18 the appropriation applicable to the purpose for which the  
19 land is to be used, and to accept donations of land for any  
20 national forest or experimental purpose: *Provided,* That such  
21 lands may be acquired subject to such reservations and  
22 outstanding interests as the Secretary determines will not  
23 interfere with the purpose for which acquired: *Provided*  
24 *further,* That not to exceed \$25,000 may be expended in  
25 any one fiscal year pursuant to this authority."

1 SEC. 14. There are hereby authorized to be appro-  
2 priated—

3 (a) such sums as may be necessary for the acquisi-  
4 tion of parcels of land and interests in land in Sanders  
5 County, Montana, needed by the Forest Service to  
6 provide winter range for its saddle, pack, and draft  
7 animals;

8 (b) not to exceed \$50,000 for the acquisition of.  
9 additional land adjacent to the present site of the Forest  
10 Products Laboratory at Madison, Wisconsin; and

11 (c) not to exceed \$25,000 for the acquisition of one  
12 helicopter landing site in southern California.

13 Land acquired under this section may be subject to such  
14 reservations and outstanding interests as the Secretary of  
15 Agriculture determines will not interfere with the purpose  
16 for which acquired.

17 SEC. 15. That section 6 of the Act of March 3, 1925  
18 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
19 substituting a colon for the period at the end thereof and  
20 adding the following: "*Provided*, That when a transient  
21 without permanent residence, or any other person while  
22 away from his place of residence, is temporarily employed  
23 by the Forest Service and while so employed becomes  
24 disabled because of injury or illness not attributable to official  
25 work, he may be provided hospitalization and other neces-

1 sary medical care, subsistence, and lodging for a period of  
2 not to exceed fifteen days during such disability, the cost  
3 thereof to be payable from any funds available to the Forest  
4 Service applicable to the work for which such person is  
5 employed."

6       SEC. 16. Appropriations of the Forest Service charge-  
7 able with salaries and wages shall be available for pay-  
8 ment to temporary employees of the Forest Service for loss  
9 of time due to injury in official work at rates not in excess  
10 of those provided by the United States Employees' Compens-  
11 ation Act, as amended (5 U. S. C., 751 and the following),  
12 when the injured person is in need of immediate financial  
13 assistance to avoid hardship: *Provided*, That such payment  
14 shall not be made for a period in excess of fifteen days and  
15 the United States Employees' Compensation Commission  
16 shall be notified promptly of the amount so paid, which  
17 amount shall be deducted from the amount, if any, other-  
18 wise payable by the United States Employees' Compensation  
19 Commission to the employee on account of the injury, the  
20 amount so deducted by the Commission to be paid to the  
21 Forest Service for deposit to the credit of the Forest Service  
22 appropriation from which the expenditure was made: *Pro-*

1 *vided further*, That when any person assisting in the sup-  
2 pression of forest fires or in other emergency work under the  
3 direction of the Forest Service, without compensation from  
4 the United States, pursuant to the terms of a contract, agree-  
5 ment, or permit, is injured in such work, the Forest Service  
6 may furnish hospitalization and other medical care, subsist-  
7 ence, and lodging for a period of not to exceed fifteen days  
8 during such disability, the cost thereof to be payable from the  
9 appropriation applicable to the work upon which the injury  
10 occurred, except that this proviso shall not apply when such  
11 person is within the purview of a State or other compen-  
12 sation Act: *Provided further*, That determination by the  
13 Forest Service that payment is allowable under this section  
14 shall be final as to payments made hereunder, but such  
15 determination or payments with respect to employees shall  
16 not prevent the United States Employees' Compensation  
17 Commission from denying further payments should the Com-  
18 mission determine that compensation is not properly allow-  
19 able under the provisions of the Employees' Compensation  
20 Act.

21 SEC. 17. (a) Section 2 of the Act of March 3, 1925  
22 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in



1 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
2 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
3 (46 Stat. 387; 16 U. S. C. 573) , are hereby repealed.

4 (b) The second proviso in section 13 of the Act of  
5 March 1, 1911 (36 Stat. 961, 963) , is hereby repealed.

Passed the House of Representatives August 15, 1949.

Attest:

RALPH R. ROBERTS,

*Clerk.*



81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> Session

H. R. 5839

---

## AN ACT

---

To facilitate and simplify the work of the Forest Service, and for other purposes.

AUGUST 16 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on  
Agriculture and Forestry







FACILITATE AND SIMPLIFY THE WORK OF THE FOREST  
SERVICE

---

SEPTEMBER 13 (legislative day, SEPTEMBER 3), 1949.—Ordered to be printed

---

Mr. THYE, from the Committee on Agriculture and Forestry, submitted the following

## REPORT

[To accompany H. R. 5839]

The Committee on Agriculture and Forestry, to whom was referred the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having considered same, report favorably thereon without amendment and recommend that the bill do pass. A companion bill (S. 2389) was introduced in the Senate on August 8, 1949, by Senator Edward J. Thye of Minnesota.

A copy of the House report (H. Rept. 1189, 81st Cong., 1st sess.) which sets forth in detail the purposes of the bill is attached hereto and made a part of said report.

---

[H. Rept. No. 1189, 81st Cong., 1st sess.]

The Committee on Agriculture, to whom was referred the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

## STATEMENT

The purpose of this bill is to make a number of relatively minor changes in the laws relating to the Forest Service which will permit that Service to carry out more efficiently and more effectively the functions and duties imposed on it by Congress.

In all but one section (sec. 12) the bill is identical with a similar bill (H. R. 2028) which was reported favorably by this committee and passed the House in the Eightieth Congress. The bill was not acted upon in the Senate. Since thorough and complete hearings were held on the bill in the Eightieth Congress, only brief hearings were conducted on the bill in this session of Congress and the only change made in the wording of the measure as it had previously passed the House was a slight change in the language of section 12 and the elimination of section 13 because of the fact that the provisions of the latter section have already been embodied in legislation.

The changes and improvements in the laws relating to the Forest Service which are proposed in this bill are the outgrowth of cumulative

experience of the Service and are based upon careful study. The changes proposed represent improvements which those charged with the administration of these laws believe that they can and should make in such administration.

Rather than authorizing the appropriation of additional funds, most of the legislative changes proposed herein are designed to save the Government money, either directly or through more efficient use and administration of existing appropriations. The only authorizations for new appropriations are in section 14 and these are of a character to render more effective and efficient the whole functioning of the Forest Service.

In reporting the bill in the Eightieth Congress, the committee said:

The committee has gone over the bill very carefully, line by line, and is satisfied that there is not proposed any authorization beyond that actually needed to accomplish the job to be done, and that the enactment of this proposed legislation will greatly improve and render more effective and economical the functioning of the Forest Service.

Hearings were held in this session of Congress on H. R. 2968, following which the changes referred to above were made, and the bill reported herewith (H. R. 5839) was introduced by direction of the subcommittee as a clean bill.

The change made by the committee in section 12 of the bill makes it clear that the funds to be deposited with the Forest Service for range improvements are to be a part of the regular fee charged for use of the range and not in addition to the established grazing fee.

## ANALYSIS OF THE BILL

### SECTION 1

*Improvements under long-term leases.*—States, counties, cities, towns, corporations, and private individuals are often willing to allow the Forest Service to erect and maintain warehouses, repair shops, lookout towers, and other structures on land owned by them for such period as the land may be needed. They are, however, unable or unwilling, for legal or other reasons, to sell or donate the land to the Federal Government. Under existing legal restrictions, the Forest Service is unable to erect permanent facilities on land not owned by the United States.

In many cases the Forest Service may need to erect a lookout tower, dwelling, or other administration structure for long-term use at a strategic location on land privately owned but which the owners are not willing to sell, and the Forest Service often can obtain a lease, usually at a nominal rental, for a term of years compatible with the life of the structures.

A building or other structure constructed under authority of this section would be subject to any cost limitation fixed by Congress in the applicable appropriation or other act. The committee amendment would require that leases provide for the right to remove the structure within reasonable time following termination of the lease.

### SECTION 2

*Purchase of tree and forage-plant seed and nursery stock.*—Good forest-tree seed crops occur only at intervals of from 2 to 5 years or more, varying with species and locality. Hence during a good year

enough seed or cones must be collected to last several years. Seeds grown in the vicinity of the area to be planted usually produce trees better adapted to the local environment than do seeds gathered in a different locality. It is also important that tree seed be collected only from thrifty trees of good form and quality.

Tree seed and cones must be mature and ripe when collected, and the period between the ripened stage and natural dissemination is short. There are very few dealers in forest-tree seed, and it has proven impossible to obtain from established dealers the desired quantity and quality of fresh seed grown in suitable localities.

Usually the value of seed procured in one locality in the good seed years is considerably in excess of \$500, which is the existing limitation on open-market purchases. At some of the large transplant nurseries, such as the Chittenden in Michigan and the Savenac in Montana, the value of seed required for a year's production may run as high as \$3,000. For any one of these nurseries seed may be bought in three or more localities, but there might be bought in any one year enough seed for a 3-year period. Hence the amount that might be spent for seed in one locality in 1 year could amount to \$3,000. At the two big southern nurseries, the Ashe in Mississippi and the Stuart in Louisiana, production is of 1-year-old stock only and each nursery has sufficient capacity to produce 30,000,000 seedlings. This would require up to 5,000 bushels of cones each which, at \$2 per bushel, would cost \$10,000. These cones might be purchased in at least three different localities and might be purchased in sufficient quantity to provide a 2- to 3-year supply. Consequently, it is to be anticipated that the amount spent in one locality in 1 year for the purchase of seed could amount to \$10,000.

The present limitation has resulted in failure to obtain sufficient seed of the species, quality and source desired, and sometimes has resulted in a price much higher than could have been had at the outset under open-market purchasing. Open market offers at a reasonable price in a specified locality induce Indians and other local people to collect seed and cones for direct sale to the Government, offering such quantities as they are able to collect with no penalty for inability to furnish a predetermined quantity, whereas few if any would respond to a request for competitive bids.

Similar conditions prevail in obtaining forage plant seed to use in reseeding ranges. Best results usually are obtained from seed grown in the vicinity. It is difficult to induce local farmers to grow such seed without an assured market for at least part of the crop. The seed required in a particular locality may greatly exceed the present open-market limit of \$100. Authority to purchase without competition will encourage local seed growing, permit selection of the best seed available, and insure seed from plants known to grow successfully in the locality.

Present appropriations permit the reactivation and expansion of the national forest-planting program on both forest and range lands following the war emergency and the proposed authorization is needed to enable the Forest Service to effectively carry on the program.

Wherever practicable both tree and forage seed will be purchased under bid procedure when available from commercial supply sources.

The existing \$500 limitation for open-market purchase of nursery stock is adequate and therefore no increase is proposed in such limitation.



## SECTION 3

*Experimental materials and equipment.*—In order to obtain the material suited to a particular experiment it is necessary to select with special care standing timber for certain qualities of growth conditions, lumber or timbers from mills operating on logs from a particular territory, and other forms of wood or forest products. Often this selection is made by the Forest Products Laboratory representative under conditions requiring the cooperation of the owner. It is essential to be able to contract for the required quantity when and where found.

It is important that the Forest Service within its specialized field assume leadership in developing equipment for forest and forest products research, forest fire control, reforestation, and other forestry and related purposes. In carrying out these purposes it frequently is necessary to develop a piece of equipment which either is novel or will require an improvement or modification of commercially available equipment. It is impractical to obtain the desired new or improved equipment under specifications on a strictly competitive basis because offered equipment frequently appears but does not meet specifications. Furthermore, it is practical to accomplish such new developments only by means of a cooperative arrangement with a qualified concern that is willing to assist wholeheartedly in the undertaking.

A great many machines used in fire control, for example, are evolved from equipment originally designed for farming, construction, or other uses. In the experimental work it is necessary to observe performance as well as weight and bulk of such parts as engines, transmission units, blades, plowshares, etc. When the best unit for the purpose is found, progress of the development is expedited if the specific item can be procured at once and set into the assembly of the test model. For comparative tests it is necessary to obtain units produced by different makers. Following development work specifications can be written for quantity purchases with assurance that equipment meeting developed specifications will serve the desired purpose.

## SECTION 4

*Aerial facilities for forest management.*—Under existing law the Forest Service may contract for the use of aerial facilities and services in protecting the national forests against fire, with authority to twice renew the contract annually without further advertising for bids. The purpose is to insure reasonable continuity of use of especially equipped planes, and pilots particularly experienced in hazardous mountain flying. The proposed change would extend this authority to other forest management activities. Because of relative inaccessibility, rough terrain, lack of ground transportation facilities and distances on many national forests, particularly in the western United States and Alaska, the use of aircraft would substantially reduce the time and cost in managing remote national forest areas. In addition to large savings in the time of the managerial and supervisory force, this would permit aerial mapping, timber and forage surveys, road and trail locations, stock and game counts, spraying for insect infestation and tree disease, and other management activities that require large crews and long periods under existing methods.

## SECTION 5

*Collaboration for protection and administration.*—The primary purpose of this amendment is to broaden the authority of section 1 of the act of March 3, 1925, to permit performance of various kinds of work by the Forest Service, at the expense of interested parties, on national forest and other related lands.

(a) Much of the work performed by the Forest Service on national forests in connection with improvement and utilization of the lands and their products should be encouraged on lands not in Federal ownership. On adjacent and intermingled non-Federal lands the work usually could be performed along with similar work on national forest lands with a saving in cost to both parties. This would also insure supervision of the non-Federal work by experienced men, where the private owners or other agencies have no personnel experienced in forestry and related lines of work. Subsection (a) will confer the authority necessary to this end.

(b) In connection with utilization of the land or resources of the national forests permittees sometimes are confronted with types of work for which they have neither trained personnel nor suitable equipment. In many instances the Forest Service has available supervisory personnel and appropriate equipment and could do such work, if payment therefor by the permittee could be used by the Forest Service, thus avoiding depletion of Forest Service funds. In some instances this would actually reduce the cost of Government work. Subsection (b) will authorize such collaboration with permittees.

(c) The need for the authority conferred by the second proviso of subsection (c) will not arise often but when it does the Forest Service will be in a position to aid in meeting a local emergency, pursuant to the terms of a written agreement. To illustrate, in an isolated community, the county snow plow, commonly used for keeping open the road to the local school, breaks down. The Forest Service has in the vicinity a tractor with bulldozer attachment, used for constructing and maintaining minor forest roads tributary to the community.

When other suitable equipment is not available, the county may request the assistance of the Forest Service in keeping the road open until its own snow plow is repaired. In such instances the Forest Service appropriation could be reimbursed by the local public agency or person for whom the service was performed.

Another example of such a local emergency is where a contractor moving through the national forest en route to a construction job damages a Forest Service telephone line and completely disrupts telephone service when units of heavy equipment accidentally slide off the road. The contractor is anxious to get his equipment to the site of this construction job as soon as possible. On the other hand, service over the telephone line is essential to meet Forest Service and general public needs. Where Forest Service employees are the only ones immediately available and qualified to restore the line it obviously is in the interest of all concerned for the Forest Service to enter into an agreement to make the necessary repairs and allow the contractor to reimburse it for the expenditure incurred.

An example of the need for the authority conferred by the third proviso of subsection (c) arises when a timber operator under his agreement makes his crew available on a forest fire. In addition to

subsisting his own crew he furnishes subsistence to a Forest Service work crew also engaged in suppressing the same fire, such subsistence to the Forest Service crew being furnished as a matter of convenience and economy from the operator's provisions which were immediately available. Under the circumstances, the Forest Service would be authorized to reimburse the operator or else replace the supplies furnished by him in subsisting the Forest Service crew. The same situation might occur in reverse in which event the cooperator would either reimburse the Forest Service or replace the supplies in kind. Replacement when possible may in some instances be more advantageous than reimbursement.

#### SECTION 6

*Deposits, for brush and debris disposal.*—The present law authorizes acceptance of deposits from timber purchasers, at their option, to cover the cost of disposing of brush and debris resulting from cutting of national-forest timber purchased by them, with refund of any excess over the cost of doing the work. It is usually much more efficient to have all the brush and debris disposed of by one agency as a single operation, especially where timber sales are made to several purchasers within one logging unit or where there are several logging operations within a small radius. Under the present law brush from some sales may be disposed of by the Government, while that from other sales in the immediate vicinity is handled by the timber purchaser. Single operation ordinarily would result in more efficient and uniform disposal, and require less supervision on the part of the Forest Service.

Funds deposited for brush and slash disposal under this section will be pooled or grouped by administrative or management units, such as a national forest. This will facilitate the work on the ground, since crews will be able to integrate work on adjoining sale areas. Pooling funds will also be more economical as far as record and account keeping are concerned.

Any excess of deposits over the cost of disposing of the brush and debris should be transferred to the credit of the forest reserve fund in the Treasury rather than be refunded to the depositors, since the estimated cost of disposing of the brush has been taken into account as an operating expense in appraising the timber to be cut.

#### SECTION 7

*Term permits for structures and improvements.*—One example of the need for this authority relates to some tracts of land acquired for national-forest purposes on which reside families who have lived on the tracts for many years, and whose financial and other circumstances are such as to make difficult other living arrangements. Where their continued occupancy does not interfere with use of the land for national-forest purposes, it is desirable that they may continue to reside on these lands. The buildings occupied often are in bad condition but if reconditioned by the Forest Service the occupants would be unable to pay a commensurate fee for use of such reconditioned premises. In such cases the more humane and equitable arrangement would be to require the permittee to maintain the land and structures in habitable condition with his own labor as one of the requirements of occupancy, in which event he would pay a smaller or no rental for the occupancy of the Government land and improvements.



Another example might be where the Forest Service issued permits to groups or individuals covering occupancy of camps or other structures constructed during the CCC or other emergency program. Groups, such as Boy or Girl Scouts, church or civic organizations, etc., utilize these camps and structures to excellent advantage, thereby enabling people to enjoy short periods of outdoor forest recreation. In some instances these groups or users prefer to maintain the improvements through their own efforts, while in others they prefer to deposit funds under agreement and have the Forest Service handle the maintenance job—as part of the consideration for use of the facilities.

#### SECTION 8

*Subsistence services for demonstration participants, etc.*—Persons attending demonstrations of the results of research often live many miles from the demonstration area which is rarely located near a place where meals, lodging, and similar services are obtainable. Unless such accommodations can be supplied, many interested persons are unable to attend.

To provide maximum opportunities for enjoyment of certain types of recreational areas, arrangements for furnishing meals, lodging, and similar services are necessary, when such facilities are not otherwise available. It occasionally is impractical to adopt the concession plan since the areas are usually distant from existing commercial facilities and services and the commercial operator is not interested. The selling of fuel wood at a campground to prevent indiscriminate tree cutting is an example of a procedure which might be useful in some cases.

The receipts from these services should be credited to the appropriation that bears the cost of the supplies and services, since appropriations for regular activities are inadequate for these special and unbudgeted expenses. The furnishing of such services will occur only in unusual and special circumstances. The proposed language provides that any receipts obtained in excess of \$10,000 annually shall be deposited in the Treasury as miscellaneous receipts.

#### SECTION 9

*Supplying forest-tree seed and nursery stock.*—Reforestation is a very important phase of an adequate forest program. Often failure to reforest is due to inability to obtain suitable seed or planting stock. The primary purpose of this proposed legislation is to aid such program in a limited way by selling at cost rates any available forest-tree seed and nursery stock to any State or political subdivision thereof which is unable to procure or produce sufficient seed or stock to meet its requirements. Proceeds from such sales should be available to the Forest Service to carry on the cost of the procurement or production of the seed or stock.

The proposed legislation would permit the States and their political subdivisions to utilize the same privileges of purchasing tree seed and nursery stock as now enjoyed by Federal agencies. The proposal is in the interest of public conservation and the public good. It is similar to the authority conveyed under section 203 of the Department's organic act in the fire-protection field, which permits the Forest Service to sell supplies and equipment to State and private cooperators.



There has been an increasing number of requests from representatives of foreign countries for seed of forest trees indigenous to the United States. Where such seed is not obtainable from commercial sources it would be desirable in promoting good relations with other countries if the Forest Service is authorized to arrange with such countries for the sale or exchange of seed. The practice of furnishing without charge small quantities of seed desired by foreign countries for experimental purposes will be continued.

#### SECTION 10

*Residence telephones for seasonal protection personnel.*—The Forest Service has a large force of short-term fire-protection personnel employed 2 to 6 months each year during fire-danger periods whose services during the fire season may be needed at any time. Also, the services of local residents at strategic locations are procured for fire suppression when needed. Many have no personal need for a residence telephone, but during the fire season telephones are officially necessary in order that they may be reached immediately when fires occur. Where the personal use is inconsequential, it is reasonable that the Government have the telephones installed and bear the cost occasioned thereby. Since in many cases such telephones can be connected with Forest Service lines, the cost of commercial telephones in residences of seasonal employees and cooperators would not be great and would be more than compensated by savings in suppression cost and property damage.

#### SECTION 11

*Seeding leased range land.*—Occasionally it is desirable in the interest of good administration to make provision under a lease or other agreement with a Federal or State agency or with a private owner for seeding certain range land they administer or own when such land is intermingled with or adjacent to national forest or other land administered by the Forest Service. No seeding would be undertaken on this intermingled and adjacent land unless, by the express terms of the lease or agreement covering the arrangement, the Forest Service is empowered to control the use of such land for a sufficient period to reimburse the Government incident to the reseeding.

It should be understood that seeding operations under this section will be conducted only when it is in the interest of the United States. The purpose is not to reseed land for the use and benefit of its owner, but rather to provide for its use by national forest grazing permittees on overgrazed ranges. The major benefits will accrue to the United States.

Leasing and seeding of land other than national forest land is contemplated only in those situations where it is impracticable to solve a difficult overstocking problem without utilizing lands in other ownerships. The authority conveyed by this section would afford the most logical means in some cases of relieving overstocking on lands administered by the Forest Service. It would help to avoid drastic reductions in livestock use which if made would raise economic distress to small permittees and communities. Moreover, such projects would serve as valuable demonstrations in the localities concerned, thereby encouraging similar effort by private landowners.

Work under this section will be necessary only on a comparatively small scale and it is therefore proposed that a total of not more than 25,000 acres may be seeded annually and that seeding of private lands in any one ownership be limited to 1,000 acres. The period of leasing is also restricted to 20 years.

#### SECTION 12

*Range improvements from grazing collections.*—This section authorizes the Secretary of Agriculture to accept deposits of money from grazing permittees to cover the cost of installing range fences and other range improvements, including range reseeding.

In many cases Forest Service ranges are used jointly by a large number of individuals, most of whom have only a small grazing permit. Under such circumstances, there is almost no way at present by which the needed improvements could be installed by the individual users. They have neither the trained personnel nor suitable equipment for handling the range improvement work. The Forest Service does have both the personnel and the needed equipment, so that with the Forest Service doing the work as a single operation it could be done more efficiently and require less supervision than where it is attempted by individual permittees.

This section would permit the Forest Service to determine the improvements or maintenance needed on the various range allotments and to utilize a portion of the regular grazing collections in defraying all the costs incident to revegetation, eradication of poisonous plants, control of rodents, and the construction and maintenance of miscellaneous improvements. The funds to be utilized would be placed in a special account and held available for the planned work. Any unexpended balance following completion of the projected work would be transferred to the Forest reserve fund.

The principle of this section is the same as that embodied in section 3 of the Knutson-Vandenberg Act (16 U. S. C. 576-b). That law authorizes acceptance of deposits from timber purchasers to cover the cost of planting trees, sowing tree seeds and cutting, destroying or otherwise removing undesirable trees or other growth in order to improve the future stand of timber. The Forest Service desires not only to protect but also, within limits of sustained yield, to utilize to the greatest possible extent both the forest and range resources. Such utilization is bound to result at times in some adverse effect on these resources. For the forest resource Congress has provided the needed corrective action in the Knutson-Vandenberg Act of June 9, 1930. This section will make legislative provision also for rehabilitation of the range resource.

#### SECTION 13

*Sites for headquarters and other purposes.*—At the time the present law was enacted more than 20 years ago, most forest headquarters and ranger stations were found in small villages or rural localities. Since then, the demands of public convenience have often made it necessary to locate ranger stations in community centers and to locate forest headquarters in key cities and towns where it is not always possible to rent suitable quarters. Section 13 would authorize the purchase of sites on which to construct forest headquarters and ranger stations and, in addition, dwellings, shops, warehouses, and other

structures required in carrying out the authorized activities of the Forest Service as well as authorizing the purchase of small pasture sites, small airfield sites, and necessary emergency landing fields. Shops, warehouses, etc., must necessarily be located in or near sizable towns and cities where public utilities, commercial power, and labor are available.

Land values are naturally higher in urban areas and they have been increasing steadily in recent years. It is obvious, therefore, that the present annual purchase limitation of \$2,500 which may have been reasonable under conditions prevailing 20 years ago is now wholly inadequate. The proposed legislation provides a limitation of \$25,000 for site purchases during any one fiscal year. It should be understood that this authorization includes the costs of all administrative sites purchased by the Forest Service during any fiscal year.

#### SECTION 14

(a) *Acquiring winter range.*—Effective protection of the national forests in Montana, northern Idaho, and northeastern Washington requires annual use of approximately 1,500 head of pack, saddle, and draft horses and mules. During 6 months of each year, these animals are pastured either at the remount depot or on the various national forests to which they are assigned, but from November to April no range for such animals is available on national forest lands. In earlier years, winter pasture was rented at various points throughout the region, but the tenure was uncertain, the rates per month were high, and the costs of distributing, collecting, supervising, and caring for the animals were large.

Eventually a single winter range was established on the breaks of the Clark's Fork River in Sanders County, Mont., where slope, exposure, and forage cover permitted winter grazing with only limited supplementary feed.

To make this winter range available, it was necessary to lease approximately 40,000 acres of grazing land at an annual rental of approximately \$14,500. However, the arrangement is uncertain and unstable because of the changing ownership and changes in the plans of the owners. The importance and economy of the arrangement is now so well established by long years of practical use, and the discontinuance would be so disruptive, that it definitely would be to the public interest to make the arrangement permanent through the acquisition of the lands now occupied. No other equal opportunity for winter pasture is known.

Practically all of the existing leases are for relatively short terms—3 years or less. Some of the lessors have already served notice of intention to sell their holdings on expiration of their leases. Even a refusal to renew an appreciable number of those leases expiring in the next 3 years will very seriously hamper if not completely nullify existing arrangements. This insecurity of tenure clearly points to acquisition of the area now in use as the only practical solution. Fortunately, most of the leases now contain an option provision which will permit the United States to purchase at reasonable prices in the event this proposal is enacted.

The proposal would make possible the progressive acquisition of those lands, subject to such reservations and outstanding rights as



the Secretary determines will not interfere. The estimated cost for all of the leased lands is in the neighborhood of \$283,000.

(b) *Acquiring laboratory site.*—When the present laboratory plant was built almost 14 years ago, 10 acres was considered a minimum requirement and this is all that was provided. However, it was soon apparent that more space should have been provided when crowded conditions required exposure tests to be installed at far-away locations where it is impossible to adequately maintain, protect, and inspect them effectively. Such tests on plywood, paints, finishes, preservatives, etc., are becoming increasingly more important and necessary and unless more space is provided for them, the investigations must be undesirably curtailed.

Temporary buildings now serve as a garage and as a pilot plant for investigations of alcohol from sawdust and other wood waste. These buildings have been located on the original site in crowded quarters and are a detriment to the main building. They should be removed but there is no space for them available. Likewise, additional pilot plants for hydrogenation of lignin and similar projects are contemplated and the expansion of these activities will eventually require the expansion of power-plant facilities for all of which more land is needed.

Storage is another problem which is causing considerable trouble. Equipment is occupying congested open areas because of insufficient storage space. Logs, lumber and many other supplies needed in the work cannot be adequately stored and protected because land is not available for storage ponds to keep material in a green condition or for storage space under cover to prevent deterioration.

Merely from the standpoint of assuring space for expansion, the tract adjacent to the laboratory should be purchased because if it is once developed for residence or other purposes, its value will be greatly increased and it could then be secured only with great difficulty. Besides, the expenditure necessary to acquire the property at this time is relatively insignificant when compared to the cost of the laboratory plant or to the inconvenience and inefficiency of operation which its lack is now causing.

(c) *Acquiring helicopter site.*—It is virtually certain from recent developments that the helicopter within a few years will be one of the most important means of transporting forest fire crews to areas not readily accessible by road or trail, and that the use of helicopters will obviate the need for a substantial part of the otherwise heavy expenditures for roads and trails. The operating base for these machines must be at a place suitably located with regard to the forests to be protected. It is planned to locate one such base at a point convenient to the four national forests in southern California. Only such acreage will be purchased as will be needed for landing space and for storage and repair structures.

## SECTION 15

*Medical care for temporary employees.*—Laborers, fire-fighters, and others are commonly employed for work at a considerable distance from their homes. The work may be in a different county or a different State from that of the employee's residence, and some employees of this class are transients without any permanent residence.



It is not practicable to predetermine physical fitness and ability to withstand camp and mountain life. Consequently colds, pneumonia, septic sore throat, and other illnesses occur which if not treated may seriously endanger the employee's health or life and if contagious, may spread throughout the camp. Usually it is not possible to show a casual relationship between the employment and such illness so as to bring the case within the United States Employees' Compensation Act. Many employees have little or no money when hired, and unless the Forest Service can provide treatment the local governmental agencies would be called upon to bear the cost of the necessary medical attention. These authorities contend with considerable justification that since the Forest Service brings the men into the county or community, the Forest Service and not the community should bear the expense of caring for them in event of illness or injury.

#### SECTION 16

*Injury benefits for emergency personnel.*—Transient laborers, principally fire fighters without funds, often are injured in official work, and some time elapses before disability compensation payments can be effected by the United States Employees' Compensation Commission. Usually these employees are in need of some immediate funds, which could be provided through payment by the Forest Service from its appropriations of an amount not in excess of the amount that would be payable at Employees' Compensation Act rates for the period covered. In any case where the Commission decides that the injury is compensable under the Employees' Compensation Act provision is made for reimbursement from the Commission's funds to the appropriation from which payments were initially made by the Forest Service.

Contractors and permittees and their employees are required by the contract or permit to perform fire-fighting services under certain circumstances, without compensation from the Government. As they are not employees of the Government, they are not entitled to the benefits of the Compensation Act. When injuries in the official work occur, the Government should be authorized to bear the medical and hospitalization cost for a limited period until other satisfactory arrangements can be made.

#### SECTION 17

*Repeal of obsolete and impracticable provisions.*—The limitations on cost of buildings contained in section 2 of the act of March 3, 1925, and in the second proviso of section 1 of the act of May 22, 1928, have been superseded by much higher limitations (during the fiscal year 1945, \$7,500) during the past several years in the Forest Service section of the appropriation act for the Department of Agriculture.

Section 1 of the act of May 27, 1930, limits to \$8,000 per year the total additional expenditure for completion of water supply and sanitary systems costing in excess of \$500 per building. Similar to the general limitations on building construction referred to in the preceding paragraph, this limitation has been superseded in effect by the authority contained in section 703 of the Department of Agriculture organic act of 1944. Under this authorization, the appropriation act for the Department may prescribe the limitations upon

the cost of all phases of building and improvement construction. In view of this, section 1 of the 1930 act is no longer needed or appropriate.

Section 13 of the act of March 1, 1911, provides for distribution to counties of 25 percent of all money received from national forest land acquired under that act, with the proviso that there shall not be paid to any State for any county an amount in excess of 40 percent of the county's income from all other sources. This is inconsistent with the distribution of receipts from national forest lands that have been set apart from the public domain as to which the 40 percent limitation does not apply. Payments to counties under this act are now approaching the 40 percent limit in a few instances. To administer the limitation would require a determination each year with respect to each affected county of the amount of the county income from all other sources which may necessitate a complete audit of the county's collection records. Moreover, the repeal of the 40 percent provision is consistent with the proposals of the Federal Real Estate Board.

### CHANGES IN EXISTING LAW

In compliance with paragraph 2a of rule XIII of the Rules of the House of Representatives, changes made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

ACT OF JUNE 30, 1914 (38 STAT. 415, 429)

That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June 30, Nineteen Hundred and Fifteen for the purposes and objects hereinafter expressed, namely: \* \* \* Department of Agriculture \* \* \* Forest Service \* \* \* For the purchase of tree seed, cones, and nursery stock, for seeding and tree planting within the national forests, and for experiments and investigations necessary for such seeding and tree planting, \$165,000. *Provided, That [hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals whenever in his discretion such method is most economical and in the public interest and when the cost thereof will] the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture such method is in the public interest.*

\*

### DEPARTMENT OF AGRICULTURE ORGANIC ACT OF 1944

SEC. 205. The Forest Service *by contract or otherwise* may provide for [the maintenance] *procurement* and operation of aerial [fire control by contract or otherwise] *facilities and services for the protection and management of the national forests,* with authority to renew any contract for such purpose annually, not more than twice, without additional advertising.

\*

\*

\*

\*

\*

\*

\*

### ACT OF MARCH 3, 1925, 43 STAT. 1132

SEC. 1 (a) *The Forest Service is authorized where the public interest justifies to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost or the depositor's share thereof, for administration, pro-*

tection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: Provided, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

(c) [All] Moneys [received as contributions toward reforestation or for the administration or protection of lands within or near national forests] deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is [authorized to be appropriated] hereby made available until expended for [the] payment of the [expenses of said reforestation, administration, or protection] cost of work performed by the Forest Service and for refunds to [the contributors] depositors of amounts [heretofore or hereafter paid in] deposited by [or for] them in excess of their share of [the] said cost [but the United States shall not be liable for any damage incident to cooperation hereunder]: Provided, That when deposits are received for a number of similar types of work on adjacent or overlapping areas or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis. Provided further, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: Provided further, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share.

\* \* \* \* \*

ACT OF AUGUST 11, 1916 (39 STAT. 446, 462)

[That hereafter deposits] Purchasers of national forest timber may be [received from timber purchasers in such sums as the Secretary of Agriculture may require] required to [cover] deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations [in sales of national-forest timber]; such deposits to [shall] be covered into the Treasury and [shall] constitute a special fund, which is hereby appropriated and [made] shall remain available until expended [as the Secretary of Agriculture may direct, to pay the cost of such work and to make refunds to depositors of amounts deposited by them in excess of such cost]: Provided, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest reserve fund, to be credited to the receipts of the year in which such transfer is made.

\* \* \* \* \*

ACT OF MARCH 3, 1925 (43 STAT. 1133)

SEC. 5. Where no suitable Government land is available for national forest headquarters, [or] ranger stations, dwellings or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of [any funds appropriated for building improvements on the national forests, but not more than \$2,500 shall be so expended in any one year;] the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: Provided, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired. Provided further, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority.

\* \* \* \* \*



## ACT OF MARCH 3, 1925 (43 STAT. 1133)

SEC. 6. That the Secretary of Agriculture is hereby authorized, in his discretion, to provide out of moneys appropriated for the general expenses of the Forest Service medical attention for employees of the Forest Service located at isolated situations, including the moving of such employees to hospitals or other places where medical assistance is available, and in case of death to remove the bodies of deceased employees to the nearest place where they can be prepared for shipment or for burial: *Provided, That when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed.*

\* \* \* \* \*

## ACT OF MARCH 3, 1925 (43 STAT. 1132)

【SEC. 2. That in addition to buildings costing not to exceed \$1,500 each, the Secretary of Agriculture, out of any moneys appropriated for the improvement or protection of the national forests, may construct, improve, or purchase during each fiscal year three buildings for national-forest purposes at not to exceed \$2,500 each, and three at not to exceed \$2,000 each: *Provided, That the cost of a water supply or sanitary system shall not be charged as a part of the cost of any building except those costing in excess of \$2,000 each, and no such water supply and sanitary system shall cost in excess of \$500.*】

\* \* \* \* \*

## ACT OF MAY 22, 1928 (45 STAT. 699·16 U. S. C. 581)

SEC. 1. That the Secretary of Agriculture is hereby authorized and directed to conduct such investigations, experiments and tests as he may deem necessary under sections 2 to 10, inclusive, in order to determine, demonstrate, and promulgate the best methods of reforestation and of growing, managing, and utilizing timber, forage, and other forest products, of maintaining favorable conditions of water flow and the prevention of erosion, of protecting timber and other forest growth from fire, insects, disease, or other harmful agencies, of obtaining the fullest and most effective use of forest lands, and to determine and promulgate the economic considerations which should underlie the establishment of sound policies for the management of forest land and the utilization of forest products: *Provided, That in carrying out the provisions of this Act the Secretary of Agriculture may cooperate with individuals and public and private agencies, organizations, and institutions, and, in connection with the collection, investigation, and tests of foreign woods, he may also cooperate with individuals and public and private agencies, organizations, and institutions in other countries; and receive money contributions from cooperators under such conditions as he may impose, such contributions to be covered into the Treasury as a special fund which is hereby appropriated and made available until expended as the Secretary of Agriculture may direct, for use in conducting the activities authorized by this Act, and in making refunds to contributors:* 【*Provided further, That the cost of any building purchased, erected, or as improved in carrying out the purposes of this Act shall not exceed \$2,500, exclusive in each instance of the cost of constructing a water supply or sanitary system and of connecting the same with any such building:*】 *Provided further, That the amounts specified in sections 2, 3, 4, 5, 6, 7, 8, and 10 of this Act are authorized to be appropriated up to and including the fiscal year 1938, and such annual appropriations as may thereafter be necessary to carry out the provisions of said sections are hereby authorized: Provided further, That during any fiscal year the amounts specified in sections 3, 4, and 5 of this Act making provision for investigations of forest tree and wood diseases, forest insects, and forest wildlife, respectively, may be exceeded to provide adequate funds for special research required to meet any serious public emergency relating to epidemics: And provided further, That the provisions of this Act shall be construed as supplementing all other Acts relating to the Department of Agriculture, and except as specifically provided shall not limit or repeal any existing legislation or authority.*

\* \* \* \* \*



ACT OF MAY 27, 1930 (46 STAT. 387)

SEC. 1. [That the Secretary of Agriculture is authorized to expend not to exceed \$3,000 annually, out of any money appropriated for the improvement or protection of the national forests, for the fiscal year 1930 or for subsequent years, in the completion of water supply or sanitary systems costing in excess of the \$500 limitation as imposed by the Act of March 3, 1925 (Forty-third Statutes, page 1132).]

\* \* \* \* \*

ACT OF MARCH 1, 1911 (36 STAT. 961), 963, AS AMENDED BY THE ACT OF JUNE 30, 1914 (38 STAT. 415, 441)

SEC. 13. That 25 per centum of all moneys received during any fiscal year from each national forest into which the lands acquired under this act may from time to time be divided shall be paid, at the end of such year, by the Secretary of the Treasury to the State in which such national forest is situated, to be expended as the State legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which such national forest is situated: *Provided*, That when any national forest is in more than one State or county the distributive share to each from the proceeds of such forest shall be proportional to its area therein [; *Provided further*, That there shall not be paid to any State for any county an amount equal to more than forty per centum of the total income of such country from all other sources].



Calendar No. 1082

81ST CONGRESS  
1ST SESSION

# H. R. 5839

[Report No. 1069]

---

## IN THE SENATE OF THE UNITED STATES

AUGUST 16 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on Agriculture and Forestry

SEPTEMBER 13 (legislative day, SEPTEMBER 3), 1949

Reported by Mr. THYE, without amendment

---

## AN ACT

To facilitate and simplify the work of the Forest Service, and  
for other purposes.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That, notwithstanding the provisions of existing law and  
4     without regard to section 355, Revised Statutes, as amended  
5     (40 U. S. C. 255), but within the limitations of cost other-  
6     wise applicable, appropriations of the Forest Service may be  
7     expended for the erection of buildings, lookout towers, and  
8     other structures on land owned by States, counties, munici-  
9     palities, or other political subdivisions, corporations, or in-  
10    dividuals: *Provided*, That prior to such erection there is  
11    obtained the right to use the land for the estimated life of or

1 need for the structure, including the right to remove any  
2 such structure within a reasonable time after the termination  
3 of the right to use the land.

4       SEC. 2. That so much of the Act of June 30, 1914 (38  
5 Stat. 415, 429, 16 U. S. C. 504), as provides: "That here-  
6 after the Secretary of Agriculture may procure such seed,  
7 cones, and nursery stock by open purchase, without adver-  
8 tisements for proposals, whenever in his discretion such  
9 method is most economical and in the public interest and  
10 when the cost thereof will not exceed \$500:", is hereby  
11 amended to read as follows: "That the provisions of section  
12 3709, Revised Statutes (41 U. S. C. 5), shall not apply  
13 to any purchase by the Forest Service of forest-tree seed or  
14 cones or of forage plant seed when the amount involved does  
15 not exceed \$10,000, nor to any purchase of forest-tree  
16 nursery stock when the amount involved does not exceed  
17 \$500, whenever, in the discretion of the Secretary of Agri-  
18 culture, such method is in the public interest."

19       SEC. 3. The provisions of section 3709, Revised Statutes  
20 (41 U. S. C. 5), shall not apply to purchases by the Forest  
21 Service of (1) materials to be tested or upon which exper-  
22 iments are to be made or (2) special devices, test models,  
23 or parts thereof, to be used (a) for experimentation to  
24 determine their suitability for or adaptability to accom-  
25 plishment of the work for which designed or (b) in the

1 designing or developing of new equipment: *Provided*, That  
2 not to exceed \$50,000 may be expended in any one fiscal  
3 year pursuant to this authority and not to exceed \$10,000  
4 on any one item or purchase.

5 SEC. 4. That section 205 of the Department of Agri-  
6 culture Organic Act of 1944, approved September 21, 1944  
7 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to  
8 read as follows:

9 "SEC. 205. The Forest Service by contract or other-  
10 wise may provide for procurement and operation of aerial  
11 facilities and services for the protection and management  
12 of the national forests, with authority to renew any con-  
13 tract for such purpose annually, not more than twice, with-  
14 out additional advertising."

15 SEC. 5. That section 1 of the Act of March 3, 1925  
16 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended  
17 to read as follows:

18 "SEC. 1. (a) The Forest Service is authorized, where  
19 the public interest justifies, to cooperate with or assist public  
20 and private agencies, organizations, institutions, and persons  
21 in performing work on land in State, county, municipal, or  
22 private ownership, situated within or near a national forest,  
23 for which the administering agency, owner, or other inter-  
24 ested party deposits in one or more payments a sufficient  
25 sum to cover the total estimated cost or the depositor's



1 share thereof, for administration, protection, improvement,  
2 reforestation, and such other kinds of work as the Forest  
3 Service is authorized to do on lands of the United States:  
4 *Provided*, That the United States shall not be liable to the  
5 depositor or landowner for any damage incident to the per-  
6 formance of such work.

7 (b) Cooperation and assistance on the same basis as  
8 that authorized in subsection (a) is authorized also in the  
9 performance of any such kinds of work in connection with  
10 the occupancy or use of the national forests or other lands  
11 administered by the Forest Service.

12 (c) Moneys deposited under this section shall be cov-  
13 ered into the Treasury and shall constitute a special fund,  
14 which is hereby made available until expended for payment  
15 of the cost of work performed by the Forest Service and  
16 for refunds to depositors of amounts deposited by them in  
17 excess of their share of said cost: *Provided*, That when  
18 deposits are received for a number of similar types of work  
19 on adjacent or overlapping areas, or on areas which in the  
20 aggregate are determined to cover a single work unit, they  
21 may be expended on such combined areas for the purposes  
22 for which deposited, in which event refunds to the depositors  
23 of the total amount of the excess deposits involved will be  
24 made on a proportionate basis: *Provided further*, That  
25 when so provided by written agreement payment for work

1 undertaken pursuant to this section may be made from any  
2 Forest Service appropriation available for similar types of  
3 work, and reimbursement received from said agencies, organ-  
4 izations, institutions, or persons covering their proportionate  
5 share of the cost shall be deposited to the credit of the Forest  
6 Service appropriation from which initially paid or to appro-  
7 priations for similar purposes currently available at the time  
8 of deposit: *Provided further*, That when by the terms of  
9 a written agreement either party thereto furnishes materials,  
10 supplies, equipment, or services for fire emergencies in excess  
11 of its proportionate share, adjustment may be made by re-  
12 imbursement or by replacement in kind of supplies, materials,  
13 and equipment consumed or destroyed in excess of the  
14 furnishing party's proportionate share.

15 SEC. 6. That so much of the Act of August 11, 1916  
16 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That  
17 hereafter deposits may be received from timber purchasers  
18 in such sums as the Secretary of Agriculture may require to  
19 cover the cost to the United States of disposing of brush and  
20 other debris resulting from cutting operations in sales of  
21 national-forest timber; such deposits shall be covered into the  
22 Treasury and shall constitute a special fund, which is hereby  
23 appropriated and made available until expended, as the Sec-  
24 retary of Agriculture may direct, to pay the cost of such work  
25 and to make refunds to the depositors of amounts deposited by

1 them in excess of such cost.”, is hereby amended to read as  
2 follows: “Purchasers of national-forest timber may be re-  
3 quired to deposit the estimated cost to the United States of  
4 disposing of brush and other debris resulting from their cut-  
5 ting operations, such deposits to be covered into the Treasury  
6 and constitute a special fund, which is hereby appropriated  
7 and shall remain available until expended: *Provided*, That  
8 any deposits in excess of the amount expended for disposals  
9 shall be transferred to miscellaneous receipts, forest-reserve  
10 fund, to be credited to the receipts of the year in which  
11 such transfer is made.”

12 SEC. 7. The Secretary of Agriculture, under such regu-  
13 lations as he may prescribe and at rates and for periods not  
14 exceeding thirty years as determined by him, is hereby  
15 authorized to permit the use by public and private agencies,  
16 corporations, firms, associations, or individuals, of struc-  
17 tures or improvements under the administrative control of  
18 the Forest Service and land used in connection therewith:  
19 *Provided*, That as all or a part of the consideration for per-  
20 mits issued under this section, the Secretary may require  
21 the permittees at their expense to recondition and maintain  
22 the structures and land to a satisfactory standard.

23 SEC. 8. The Secretary of Agriculture is authorized to  
24 furnish persons attending Forest Service demonstrations, and  
25 users of national forest resources and recreational facilities,

1 with meals, lodging, bedding, fuel, and other services, where  
2 such facilities are not otherwise available, at rates approxi-  
3 mating but not less than the actual or estimated cost thereof  
4 and to deposit all moneys received therefor to the credit of  
5 the appropriation from which the cost thereof is paid, or a  
6 similar appropriation current at the time the moneys are  
7 received: *Provided*, That such receipts obtained in excess  
8 of \$10,000 in any one fiscal year shall be deposited in the  
9 Treasury as miscellaneous receipts.

10 SEC. 9. The Secretary of Agriculture is authorized, sub-  
11 ject to such conditions as he may prescribe, to sell forest-tree  
12 seed and nursery stock to States and political subdivisions  
13 thereof and to public agencies of other countries, at rates not  
14 less than the actual or estimated cost to the United States  
15 of procuring or producing such seed or nursery stock, moneys  
16 received from the sale thereof to be credited to the appro-  
17 priation or appropriations of the Forest Service currently  
18 available for the procurement or production of seed or nursery  
19 stock at the time such moneys are deposited: *Provided*, That  
20 the Secretary of Agriculture may exchange with such public  
21 agencies forest-tree seed and nursery stock for forest-tree seed  
22 or nursery stock of the same or different species upon a  
23 determination that such exchange is in the interest of the  
24 United States and that the value of the property given in  
25 exchange does not exceed the value of the property received:



1 *Provided further*, That no nursery stock shall be sold or  
2 exchanged under this section as ornamental or other stock  
3 for landscape planting of the types commonly grown by  
4 established commercial nurserymen.

5 SEC. 10. Notwithstanding the provisions of section 7  
6 of the Act of August 23, 1912, as amended (31 U. S. C.  
7 679), appropriations for the protection and management of  
8 the national forests shall be available to pay for telephone  
9 service installed in residences of seasonal employees and  
10 of persons cooperating with the Forest Service who reside  
11 within or near the national forests when such installation  
12 is needed in protecting the national forests: *Provided*, That  
13 in addition to the monthly local service charge the Govern-  
14 ment may pay only such tolls or other charges as are  
15 required strictly for the public business.

16 SEC. 11. Whenever such action is deemed to be in the  
17 public interest, the Forest Service is authorized to pay from  
18 any appropriation available for the protection and manage-  
19 ment of the national forests all or any part of the cost of  
20 leasing, seeding, and protective fencing of public range land  
21 other than national forest land and privately owned land  
22 intermingled with or adjacent to national forest or other  
23 land administered by the Forest Service, if the use of the  
24 land to be seeded is controlled by the Forest Service under  
25 a lease or agreement which in the judgment of the Chief

1 of the Forest Service gives the Forest Service control over  
2 the land for a sufficient period to justify such expenditures:  
3 *Provided*, That payment may not be made under authority  
4 of this section for the seeding of more than one thousand  
5 acres in any one private ownership: *Provided further*, That  
6 payment may not be made under authority of this section  
7 for the seeding of more than twenty-five thousand acres  
8 in any one fiscal year: *Provided further*, That the period  
9 of any lease under this authority may not exceed twenty  
10 years.

11 "SEC. 12. The Secretary of Agriculture, when in his  
12 judgment such action will be in the public interest, and under  
13 such regulations as he may prescribe, may require any graz-  
14 ing permittee of a national forest to make deposits of money,  
15 as a part of the established fee for the use of the range, to  
16 cover the cost to the United States of (1) artificial revegeta-  
17 tion, including the collection or purchase of necessary seed;  
18 (2) construction and maintenance of drift or division fences  
19 and stock-watering places, bridges, corrals, driveways, or  
20 other necessary range improvements; (3) control of range-  
21 destroying rodents; or (4) eradication of poisonous plants and  
22 noxious weeds, on such national forest in order to protect or  
23 improve the future productivity of the range: *Provided*, That  
24 such deposits shall constitute a special fund, without fiscal

1 year limitation, to be available to cover the cost to the United  
2 States of such artificial revegetation, construction, and main-  
3 tenance of range improvements, control of rodents, and erad-  
4 ication of poisonous or noxious plants: *Provided further,*  
5 That whenever the Secretary of Agriculture determines that  
6 any portion of any deposit is in excess of the cost of doing  
7 said work, such excess shall be transferred to miscellaneous  
8 receipts, forest reserve fund, as a national-forest receipt of  
9 the fiscal year in which such transfer is made.

10 SEC. 13. That section 5 of the Act of March 3, 1925  
11 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to  
12 read as follows:

13 "Where no suitable Government land is available for  
14 national forest headquarters, ranger stations, dwellings, or  
15 for other sites required for the effective conduct of the author-  
16 ized activities of the Forest Service, the Secretary of Agri-  
17 culture is hereby authorized to purchase such lands out of  
18 the appropriation applicable to the purpose for which the  
19 land is to be used, and to accept donations of land for any  
20 national forest or experimental purpose: *Provided,* That such  
21 lands may be acquired subject to such reservations and  
22 outstanding interests as the Secretary determines will not  
23 interfere with the purpose for which acquired: *Provided*  
24 *further,* That not to exceed \$25,000 may be expended in  
25 any one fiscal year pursuant to this authority."

1        SEC. 14. There are hereby authorized to be appro-  
2        priated—

3            (a) such sums as may be necessary for the acqui-  
4        sition of parcels of land and interests in land in Sanders  
5        County, Montana, needed by the Forest Service to  
6        provide winter range for its saddle, pack, and draft  
7        animals;

8            (b) not to exceed \$50,000 for the acquisition of  
9        additional land adjacent to the present site of the Forest  
10       Products Laboratory at Madison, Wisconsin; and

11           (c) not to exceed \$25,000 for the acquisition of one  
12       helicopter landing site in southern California.

13        Land acquired under this section may be subject to such  
14       reservations and outstanding interests as the Secretary of  
15       Agriculture determines will not interfere with the purpose  
16       for which acquired.

17        SEC. 15. That section 6 of the Act of March 3, 1925  
18       (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by  
19       substituting a colon for the period at the end thereof and  
20       adding the following: "*Provided*, That when a transient  
21       without permanent residence, or any other person while  
22       away from his place of residence, is temporarily employed  
23       by the Forest Service and while so employed becomes  
24       disabled because of injury or illness not attributable to official  
25       work, he may be provided hospitalization and other neces-



1 sary medical care, subsistence, and lodging for a period of  
2 not to exceed fifteen days during such disability, the cost  
3 thereof to be payable from any funds available to the Forest  
4 Service applicable to the work for which such person is  
5 employed.”

6 SEC. 16. Appropriations of the Forest Service charge-  
7 able with salaries and wages shall be available for pay-  
8 ment to temporary employees of the Forest Service for loss  
9 of time due to injury in official work at rates not in excess  
10 of those provided by the United States Employees' Compens-  
11 ation Act, as amended (5 U. S. C., 751 and the following),  
12 when the injured person is in need of immediate financial  
13 assistance to avoid hardship: *Provided*, That such payment  
14 shall not be made for a period in excess of fifteen days and  
15 the United States Employees' Compensation Commission  
16 shall be notified promptly of the amount so paid, which  
17 amount shall be deducted from the amount, if any, other-  
18 wise payable by the United States Employees' Compensation  
19 Commission to the employee on account of the injury, the  
20 amount so deducted by the Commission to be paid to the  
21 Forest Service for deposit to the credit of the Forest Service  
22 appropriation from which the expenditure was made: *Pro-*

1 *vided further*, That when any person assisting in the sup-  
2 pression of forest fires or in other emergency work under the  
3 direction of the Forest Service, without compensation from  
4 the United States, pursuant to the terms of a contract, agree-  
5 ment, or permit, is injured in such work, the Forest Service  
6 may furnish hospitalization and other medical care, subsist-  
7 ence, and lodging for a period of not to exceed fifteen days  
8 during such disability, the cost thereof to be payable from the  
9 appropriation applicable to the work upon which the injury  
10 occurred, except that this proviso shall not apply when such  
11 person is within the purview of a State or other compen-  
12 sation Act: *Provided further*, That determination by the  
13 Forest Service that payment is allowable under this section  
14 shall be final as to payments made hereunder, but such  
15 determination or payments with respect to employees shall  
16 not prevent the United States Employees' Compensation  
17 Commission from denying further payments should the Com-  
18 mission determine that compensation is not properly allow-  
19 able under the provisions of the Employees' Compensation  
20 Act.

21 SEC. 17. (a) Section 2 of the Act of March 3, 1925  
22 (43 Stat. 1132; 16 U. S. C. 571) ; the second proviso in

1 section 1 of the Act of May 22, 1928 (45 Stat. 699; 16  
2 U. S. C. 581) ; and section 1 of the Act of May 27, 1930  
3 (46 Stat. 387; 16 U. S. C. 573); are hereby repealed.

4 (b) The second proviso in section 13 of the Act of  
5 March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

Passed the House of Representatives August 15, 1949.

Attest:

RALPH R. ROBERTS,

*Clerk.*





81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 5839**

[Report No. 1069]

---

---

## **AN ACT**

To facilitate and simplify the work of the Forest Service, and for other purposes.

---

---

AUGUST 16 (legislative day, JUNE 2), 1949

Read twice and referred to the Committee on  
Agriculture and Forestry

SEPTEMBER 13 (legislative day, SEPTEMBER 3), 1949

Reported without amendment





believe about the largest amount for damages ever awarded by the Senate Judiciary Committee, certainly in the 8 years I have been here, on injury claims of any kind. It is the first time I have ever seen a bill come from the committee that exceeded \$14,000 or \$15,000. The two cases were identical in the requests and in the effects and in the surrounding conditions. The committee therefore felt the same amounts should be awarded in both cases.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. McCARTHY. Is this the proper time to move to amend the committee amendment?

The PRESIDING OFFICER. It is the proper time to offer an amendment to the committee amendment.

Mr. McCARTHY. Mr. President, I move to amend the committee amendment by striking out "\$25,000" and inserting "\$50,000." In connection with the amendment, I should like to point out that I am very intimately aware of the circumstances. The Senator from West Virginia [Mr. KILGORE] is, I believe, slightly in error when he says both situations are identical. It will be understood that I do not question the award of \$25,000 in the previous case; I think the woman was entitled to it. However, the situation here is entirely different. This claimant was a Red Cross nurse. While serving in India a truck tipped over and injured her. She went to the hospital. The doctor at Calcutta who originally treated her, according to the later hospital report—and I quote from the committee report—"the Calcutta hospital found gross negligence and malpractice had occurred at the Three Hundred and Seventy-second Field Hospital." What happened originally was this: She went to the base hospital. The doctor said to her, "You are not hurt." Mr. President, may I have the attention of the Senator from West Virginia? I am sure if he is aware of these facts he will not object to the increase. The doctor said to her, "You are not hurt." He would not give her an X-ray. Finally he consented to X-ray her on condition she could climb onto the X-ray table herself. She could not do that. She was semiparalyzed from her hips down. The doctor X-rayed her and said there was nothing wrong with her. He discharged her. He said to her, "It is just merely imagination. You are a crybaby." He abused her terribly. According to the information contained in the committee report, she went to the Calcutta hospital, where she was X-rayed. It was found that her back was broken in two places. They found the sacrum badly fractured. They found that one of the main nerves had been impinged, because of the malpractice in the original hospital. As of today, 4 years later, if I may quote from the committee report:

Approximately 4 years after the accident she is still unable to walk more than two blocks without exhaustion and will slide off an average chair unless her feet are supported. She cannot wear ordinary shoes, but only soft-soled slippers. Because of weakness and atrophy of muscles she is un-

able to sit or lie in any one position for more than a short period, is still incapable of properly controlling urine and feces and must spend most of her mornings caring for these functions.

So, Mr. President, we have in this case a woman who cannot walk, who cannot sit in a chair, and cannot control her urine or her bowels. The report says that manifestly her injuries and disability will leave her totally disabled for the rest of her life. This case does not compare with the one in which we allowed \$25,000. The woman involved in that case had a bad hip. She was an older woman. The question is, How much is this young woman damaged? According to the committee report, she was earning \$50 a week in the Boston Store in Milwaukee. The testimony was that she could have returned to the job when she left the service. Fifty dollars a week, spread over the years, would amount to \$50,000. We are not attempting to give this woman charity. Her injuries are due to the negligence of the driver of the Army truck. She was on duty. This woman will not be able to work again. She has been denied the happiness of being married and raising a family. I think it would be unconscionable to reduce her damages to \$25,000.

Mr. President, I have been a circuit judge and I have passed on cases of similar character. If a jury in my court had given this girl less than \$50,000 I would have set the verdict aside, definitely, as being inadequate. I do not think \$50,000 is adequate compensation in this case.

I seriously urge that the Senate accept the figure of \$50,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. KILGORE. I ask for the yeas and nays.

Mr. MAYBANK. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MAYBANK. On a call of the calendar under unanimous consent, is it in order to ask for a ye-and-nay vote?

The PRESIDING OFFICER. The Chair will state that it is in order.

Mr. McCARTHY. Mr. President, I am sure that if I can give the Senate a complete picture of this tragic case—

Mr. MAYBANK. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. McCARTHY. Certainly.

Mr. MAYBANK. I should like to have the Chair clarify the question. Is it in order to have a ye-and-nay vote on a matter involved in the call of the calendar when it is being called by unanimous consent?

The PRESIDING OFFICER. The Chair will state that it is in order. As a matter of fact, there has already been a ye-and-nay vote on an amendment.

Mr. MAYBANK. I understand that, Mr. President, but this is the first time in my 8 years as a Member of the Senate that I have known of a ye-and-nay vote during the call of the calendar.

The PRESIDING OFFICER. Any question is subject to a ye-and-nay vote

if requested by a sufficient number of Senators.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. If this amendment should be agreed to, would it be in order to ask that the bill be passed over?

The PRESIDING OFFICER. Yes.

Mr. McCARTHY. Mr. President, may I ask the Senator from West Virginia if he will consent to accept this amendment and take it to conference? The Senator has a legal background and is just, honest, and fair. Here is a woman who is hopelessly and tragically crippled. She is a young girl; she has 40 or 50 years to live. The sum of \$25,000 to take care of her hospital bills would be completely dissipated in the next 8 or 10 years. That is entirely wrong. I should like to have the Senator from West Virginia take the amendment to conference and urge the acceptance of the \$50,000 figure and insist upon it.

Mr. KILGORE. Mr. President, in connection with matters of this kind, I have seen some pretty hot "dog fights" on the floor of the Senate. I remember five cases from the State of Maine, and no doubt the Senator from Michigan [Mr. FERGUSON] remembers them. They involved persons who were injured because a Navy pilot dove into a group of employees of a shipyard. Many of them were crippled for life.

In this case I felt that the committee went further than it had ever gone before. Why should we make a particular exception of one case?

Mr. McCARTHY. Will the Senator agree with me that the measure of damages is not within the discretion of this body? If the Government is to blame for an injury, then the measure of damages consists of what the injured person normally would have earned during her life expectancy, plus the cost of hospitalization, plus a reasonable amount for loss of enjoyment of life. There is nothing included in this case for loss of enjoyment of life. I am sure the Senator will agree that it is not in our discretion. We have the duty to say how much she has lost, how much the Nation owes her. This is not a case of charity; it is a debt we owe. The question is, how much do we owe in this case? If we have cheated someone in the past by giving him only \$5,000 when he was entitled to \$10,000 or \$15,000, it is time we stopped. It is time that we compensated injured persons in full. Giving this girl \$25,000 is like picking a figure out of a hat.

Mr. KILGORE. Mr. President, people elect to come to the Congress of the United States to try to get bills through. Why do they not elect to go to the court of claims, where they have rights? This is a tort case.

Mr. McCARTHY. Mr. President, I am sure the Senator does not mean that. The report points out that this lady has no other redress. She could sue the private who was driving the truck, who, of course, has no money. She could sue the physician who was guilty of malpractice, and who apparently has no money. Congress is the only place to which she



can come. When she does, we should not say, "We will give you half the amount that is coming to you," because in the past we have treated someone else in that way.

Mr. KILGORE. I still cannot consent. I withdraw my request for the yeas and nays, Mr. President.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Wisconsin. [Putting the question.]

Mr. McCARTHY. I ask for a division.

The Senate proceeded to divide.

The PRESIDING OFFICER. The amendment is rejected.

Mr. McCARTHY. Mr. President, I ask for the yeas and nays. I have a parliamentary inquiry—

The PRESIDING OFFICER. The Chair thinks that it is too late to call for the yeas and nays.

Mr. McCARTHY. Is not the Chair obliged, in a case like this, to say "It appears that the amendment is rejected," before he says that it is rejected?

The PRESIDING OFFICER. That is not necessary on a division, because the count is accurate; it is not a question of judgment, which would not be the case on a *vive voce* vote.

Mr. McCARTHY. Is it possible to get a *yea-and-nay* vote after a division?

The PRESIDING OFFICER. After the result is announced, it is too late to request the yeas and nays.

Mr. LUCAS. Mr. President, I demand the regular order.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. WHERRY. I wish to speak on the bill itself. I thought the amendment had been rejected.

The PRESIDING OFFICER. The question now is on the committee amendment.

Mr. WHERRY. That is, for \$25,000?

The PRESIDING OFFICER. It is an amendment which proposes to reduce the \$35,000 allowed in the House bill to \$25,000.

Mr. WHERRY. What was the evidence upon which the committee determined to reduce the amount from \$35,000 to \$25,000?

Mr. KILGORE. We had two similar cases before us, and we figured that the damages were about the same.

Mr. WHERRY. I was on the Committee on Claims for several years, as the Senator will recall.

Mr. KILGORE. I may say to the Senator that I was not on the subcommittee that heard the evidence, and I did not hear the evidence. All I heard was in the full committee.

Mr. WHERRY. I agree that it is very difficult, sitting on a committee, to weigh all the evidence. We rely on affidavits and testimony that is offered. But it seemed to me that inasmuch as the claim was reduced from \$35,000 to \$25,000, there should be some evidence to warrant the reduction, regardless of what someone else was paid.

Mr. KILGORE. The Senator is no doubt aware of the fact, if he ever served on the Committee on Claims, that almost universally we have to equalize matters that come from the House of Representa-

tives. The claims to which I referred were pending at about the same time. The subcommittee passed on the bill, the full committee went over it, and said, "Here is a claim for an identical situation, in which \$25,000 was allowed. We will allow \$25,000 in this case."

Mr. McCARTHY. Mr. President, I move that the committee amendment be amended by striking out the figure "\$25,000" and inserting the figure "\$45,000", and I ask for the yeas and nays on the amendment.

Mr. FULBRIGHT. Mr. President, I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### BILL PASSED OVER

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, was announced as next in order.

Mr. LUCAS. Over.

Mr. McCARTHY. Mr. President, recurring to order of business 1080, House bill 3300, unless the Senator from Arkansas can point out some objection which he has to justify the request that the bill go over, I shall object to all other bills on the consent calendar.

Mr. LUCAS. Mr. President—

The PRESIDING OFFICER. Does the Senator object to the bill just called?

Mr. McCARTHY. If the Senator has some reason for objecting to House bill 3300 on its merits, and will tell me why, very well; otherwise I shall object to any other bill being considered. This is a matter which has been kicking around for 4 years. The claimant is a woman who is crippled for life. The committee has reported that she is entitled to compensation. The Army, according to the committee report, says it is a meritorious claim. The committee recognizes that this woman has no source of income. She is hopelessly crippled. The committee says there was gross malpractice—and I quote from the report in saying that.

If the Senator from Arkansas has some reason for being against the bill on the merits, very well. If his is an arbitrary objection, then I shall object to any and all other bills on the consent calendar.

Mr. TOBEY. Mr. President—

Mr. LUCAS. So far as order of business 1082, House bill 5839, is concerned, I object, and we can move on to the next bill.

The PRESIDING OFFICER. The bill to which the Senator refers goes over. The clerk will state the next order of business.

#### RURAL TELEPHONES

The bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

Mr. AIKEN. Mr. President, what happened to Calendar 1082, House bill 5839?

The PRESIDING OFFICER. It has just been objected to.

Mr. AIKEN. I ask the Senator from Illinois, who objected to the bill, if he will withhold his objection.

Mr. LUCAS. I am objecting for the Senator from Wyoming [Mr. O'MAHONEY], who had to leave,

Mr. AIKEN. I wonder if the Senator will withhold his objection until I may present a statement from the Senator from Minnesota [Mr. THYE].

Mr. LUCAS. I shall be delighted to do that.

Mr. AIKEN. I simply ask to have the statement of the Senator from Minnesota printed in the RECORD, and I should like to say, for myself, that the objection to this bill seems to be simply a continuance of the long-time war between the grazing interests and the Forest Service. Both the cattlemen and sheep grazers advised the Committee on Agriculture and Forestry that they wanted to be heard on the bill. The chairman set a date for them to be heard, but no representative from either organization showed up. Apparently they feel that the best way to kill the legislation is simply to refuse unanimous consent for its consideration.

The Committee on Agriculture and Forestry, very properly, I think, when the opponents failed to show up and present any testimony, reported the bill unanimously. The bill legalizes, beyond question, things which are being done now by the Forest Service and which are approved by the Comptroller General. The Comptroller General's office, however, feels that the authorization should be made clear in the law. For instance, there is one item which permits a fire tower to be constructed on private land, and other things like that.

I am sorry that the grazing interests saw fit to object to the bill, because I do not think they will gain anything by it in the long run. Apparently it is simply an effort to impede the work of the Forest Service in any way possible.

I ask to have the statement of the Senator from Minnesota printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR THYE

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, which will make it possible for that Service to carry out more effectively and efficiently the functions and responsibilities placed upon it by Congress, was introduced by Representative WALTER K. GRANGER and passed by the House on August 15, 1949.

I introduced a companion bill (S. 2398) in the Senate on August 8. The Senate committee reported favorably on the bill on September 13.

Public hearings on the bill were conducted by the House Committee on Agriculture and Forestry and the report of this committee was, after careful study, accepted by the Senate committee.

The committee report recommending the bill includes the following statement:

"The committee has gone over the bill very carefully, line by line, and is satisfied that there is not proposed any authorization beyond that actually needed to accomplish the job to be done, and that the enactment of this proposed legislation will greatly improve and render more effective and economical the functioning of the Forest Service."

On July 1, 1949, at the hearings conducted by the House Committee on Agriculture and Forestry, Mr. John B. Wilson, of Wyoming, appeared before the committee as a representative of both the cattlemen and the sheepmen. At that time Mr. Wilson raised a question concerning the wording of section



12. This was clarified by a committee amendment and Mr. Wilson endorsed it as representative of the cattlemen and sheepmen.

My bill, S. 2398, is identical in every respect with the bill H. R. 5839 which passed the House by unanimous consent.

It now appears that some stockmen are opposed to the bill. For what reason I am unable to understand. However, there are a number of stockmen urging favorable action. A large number of other individuals and groups have expressed interest in enactment of the legislation.

I am convinced that there is no valid reason for objection by any group. The stockmen have much to gain and nothing to lose by the enactment of this bill.

The legislation will measurably simplify and facilitate the work of the Forest Service. It will greatly improve and render more effective and efficient the functioning of that Service.

The legislative changes proposed are constructive and essential. The proposed changes will inconvenience no one. They will merely simplify and facilitate the work of the Forest Service in the Department of Agriculture; cut out some unnecessary red tape and make possible more efficient and economical use of the funds appropriated by Congress. The bill is in the public interest. I, therefore, respectfully urge that S. 2398 be approved by unanimous consent.

Mr. LUCAS. Mr. President, I should like to add just one word to what the Senator from Vermont has said. As I recall, the bill was reported unanimously from the Committee on Agriculture and Forestry, and I merely made objection on the call of the calendar on behalf of the Senator from Wyoming [Mr. O'MAHONEY]. I am a member of the Committee on Agriculture and Forestry, and am in favor of the bill on its merits, and we will probably consider it before we adjourn.

Mr. AIKEN. As I understand, other Senators from the grazing States have been asked to object also.

The PRESIDING OFFICER. The bill goes over. The clerk will state the next bill by title.

The bill (H. R. 2900) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

The PRESIDING OFFICER. Is there objection?

Mr. MCCARTHY. Mr. President, reserving the right to object, I should like to ask the Senator from Arkansas whether he objects at this time to returning to Calendar 1080, H. R. 3300, so that we may vote on the bill. I think it is very important that we vote on it.

Mr. LUCAS. Mr. President, we are not going to legislate in this hall by duress and coercion. I do not know what the Senator from Arkansas wants to do, but so far as the majority leader is concerned, if the Senator from Wisconsin, merely because the Senator from Arkansas exercises a privilege and a right which he has to object to a bill and have it go over, wants to take offense and object to every other bill on the calendar, it is all right with me. So far as I am concerned, I am not going to make any bargain of that kind whatsoever as to important measures which are now on the Senate Calendar.

Mr. MCCARTHY. Mr. President, I made a request of the Senator from Ar-

kansas, and I desire to know whether he objects to returning to Calendar 1080 so that we may vote on the bill on its merits. To me it is an important measure, and I should like to get a vote on the bill. I have a motion pending. I am not threatening or coercing, but if there is to be an arbitrary objection to a bill on some ground other than on its merits, if I am to be denied a vote on the bill, then I believe that I am justified in objecting to any other bills providing for personal relief, because they are all in the same category. Any bill that provides for personal relief for any individual is in the same category with H. R. 3300, and I shall—and I think I am justified in doing so—object to considering any of them until we can get a vote on all of them.

Mr. FULBRIGHT. Mr. President, what the Senator does about other bills is perfectly within his right. But I served on this committee for 3 years. The amount granted by the committee in this case is to my knowledge the largest amount that has ever been granted to a person in an injury case. We used to have very appealing cases for consideration, in which the committee thought it was straining itself to give \$10,000, and prior to that time for many years I think \$5,000 was the top amount.

There is no way to set an exact measure upon either death cases or personal-injury cases. But as a matter of policy and precedent, I think the committee is extremely generous in this case. As I said, the amount granted by the committee is the highest amount I know of. I do not think we would be on safe ground if we were to set aside the judgment of the committee, and establish a precedent by raising the figure to \$50,000.

I have no objection to passing the bill as reported by the committee. I know the case is a very meritorious one. It appeals to one's sentiments, and all that. But I think the Senate would be getting into very deep water if it were to override the committee which has had the opportunity to weigh the case. As a former member of the committee I must support the committee's position respecting the case. The place to make the argument the Senator is making is, I believe, before the committee, because it acts in this case as a court of equity, as was referred to earlier today by some Senator.

Mr. MCCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MCCARTHY. Apparently the Senator misunderstood my request. I am not asking Senators to vote for my motion. I am asking that Senators have an opportunity to vote on my motion.

Mr. FULBRIGHT. The Senator was granted one vote. I had no objection to that. I have no objection to a vote being taken now. But I cannot stand by and permit the amount to be raised to \$45,000 or \$50,000. I stand on the committee's bill. I think the amount granted by the committee is very generous.

Mr. MCCARTHY. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MCCARTHY. Let me tell the Senator what I have in mind doing. No.

1, I intend to move to increase the amount to \$45,000. If that is defeated, then I intend to move that the House figure be accepted, the figure of \$35,000. I realize that the Senator is completely honest when he says, "I differ with you, and I believe \$25,000 is enough."

Mr. President, here is a matter which has been kicked around for 4 years. I am asking that Senators be given the right to have this question voted on. A Senator objected to the bill when it was reached on the calendar and said he wanted it to go over. That is practically saying we will not even consider the merits of this personal-injury relief case. I ask the Senator from Arkansas if he will consent to return to House bill 3300, Calendar No. 1080, so that we may have a vote upon the merits of the bill.

Mr. FULBRIGHT. I am perfectly willing to return to House bill 3300, Calendar 1080, but I cannot agree to have an amount larger than the committee amount inserted in the bill. I am perfectly willing to withdraw any objection to its present consideration and passage with the amount in the bill which the committee recommended. I must object to any amount greater than the amount granted by the committee. I am not taking an arbitrary position. The committee has already passed upon this question.

Mr. President, I yield the floor.

Mr. KILGORE. Mr. President, I should like to speak for a part of 5 minutes. I hope speeches will be limited to 5 minutes. Discussion has extended for 15 or 20 minutes on the bill, instead of five.

I should like to invite the Senate's attention to one fact. While it is true I am a very young man as a lawyer—at least that has been inferred recently—I have seen many damage suits tried, and I discovered that in a damage suit resulting from an accident case, when it finally ends the claimant receives about 50 percent, whereas when an appropriation is made by Congress in an accident case, the one who is injured receives the full amount. It is not necessary for him to pay any portion of it to another person—to a lawyer, for example. That is one reason we have been watching these cases carefully. An appropriation of \$25,000 is about the equivalent to a judgment in court of \$50,000, because the litigant may have to go to the Supreme Court, or to the circuit court of appeals usually to sustain the judgment. The sum recommended by the committee is not so small a sum as it has been made to appear here.

Mr. LUCAS. Lawyers get at least 33 1/3 percent in damage cases.

Mr. KILGORE. At least that, if not more.

Mr. TOBEY. Mr. President, I have been a Member of the Senate for a good many years, and something has happened today in the Senate which I do not like. The Senate of the United States is supposed to be a body of dignity, and to act according to the rules of parliamentary procedure. As I sat here and listened to the call of the calendar, I heard the bill which is under discussion called, and objection was made by the Senator from



Arkansas [Mr. FULBRIGHT]. A motion was made by the junior Senator from Wisconsin [Mr. McCARTHY], which was defeated under parliamentary procedure, and the vote on the motion was unanimous. Thereupon my colleague, the junior Senator from Wisconsin, did not play ball, but placed a block across the road. He said in effect, "You cannot pass any more bills because of my objection." That is not the way for Senators to act. Senators should follow parliamentary procedure. We should continue to legislate under parliamentary procedure. Shame on any man who tries to put through legislation by means of duress and threat. I make that statement very emphatically. It will indeed be a sad hour in the Senate when any Senator can say, "I will hold up the progress of the Senate unless you do what I want you to do." Such action is entirely unworthy of any Senator.

Mr. McCARTHY. Mr. President, in view of the statement made by the Senator from Arkansas [Mr. FULBRIGHT] I move that the Senate return to Calendar 1080, House bill 3300.

The PRESIDING OFFICER. The motion is not in order.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the Senate return to House bill 3300. I understand the Senator from Arkansas has withdrawn his objection. I ask the Senate to return to that bill so I may have a vote on the merits of my position on that bill.

Mr. LUCAS. Mr. President, before we vote, I wish to say that I think the proper procedure, in view of the fact that the bill was passed over, is to let it go to the foot of the calendar and return to it after the call of the calendar has been completed. I shall not object if what the Senator asks is done at that time. But it seems to me that we should now proceed to complete the call of the calendar. I think that is the proper procedure. That is what we should do. There is no point in returning now to the bill.

The PRESIDING OFFICER. Does the Senator from Wisconsin so modify his request that the bill go to the foot of the calendar?

Mr. McCARTHY. If I have the assurance of the Senator from Arkansas that he has no objection to it being done in the manner I have suggested.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. FULBRIGHT. I have no objection to returning to the bill. I want to make it clear that I object to increasing the amount above the amount recommended by the committee. I have no objection, however, to returning to the bill. As I said, I object to it being passed containing an increased amount. In other words, if the amendment prevails I must object to the bill. I thought I made that clear previously.

Mr. McCARTHY. Will the Senator while we are continuing with the call of the calendar turn to pages 10 and 2 of the bill and read them? If he will read those two pages of the bill I am sure he

will support my motion to increase the amount to \$50,000.

Mr. FULBRIGHT. I shall be very glad to read those pages.

The PRESIDING OFFICER. Without objection, the Senate will return to House bill 3300, Calendar 1080, and without objection that bill will go to the foot of the calendar.

The clerk will state the next bill on the calendar.

#### RURAL TELEPHONES

The bill (H. R. 2960) to amend the Rural Electrification Act to provide for rural telephones, and for other purposes, was announced as next in order.

Mr. WHERRY. That bill has been passed over, has it not?

The PRESIDING OFFICER. No. House bill 5839, Calendar 1082, was passed over.

Mr. WHERRY. I beg the Chair's pardon.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 2960?

Mr. McCARTHY. Mr. President, reserving the right to object—and I believe this is the only way I can bring this matter before the Senate—I shall take advantage of the 5-minute rule to read for 5 minutes from page 10 of the committee report in the case of Mary Thomas Schiek. I begin reading in the middle of the account, because the first part is largely preliminary. I read as follows:

I couldn't move nor bend at the waist, though I tried. When the nurse would bring in the pan of bath water she would put it on the table and depart. When I asked her to help me her reply was, "If you wanted a bath bad enough you could do it yourself," and she would not stay. It was over 100° there in Bengal in June most of the time. They refused to wash my hair, saying, "When you want it washed bad enough so that you'll stand up, then you can wash it in the shower." It was 6 weeks before they would wash it.

Senators will understand this is the woman whose back was broken, telling this story to us.

Finally I asked them to turn me over so that I could rest my back and try to sleep at night. One night, about 7:30, the pillows shifted so that my hips were twisted into a painful position. I could not move nor turn myself and after I had endured it for about an hour or so, I asked for the nurse. There was only one nurse on duty in the entire hospital at night so that it was some time before she could come. Her name was Lieutenant Ford. By the time she came I was sobbing, but making no noise. As she came to the door, I drew in my breath and it caught in a sob. Without entering the door she said, "Well, that settles it. I wouldn't do anything for a crybaby, and no one else is to either." She left and I lay in that position all night.

Bear in mind that this woman was lying there with her back broken.

One day Major McDevitt came in—

He was the man whom the Army found guilty of malpractice.

One day Major McDevitt came in and said, "Well, let's see you walk." I had not had even my head elevated at this time, nor sat up, but he and a nurse forced me into a

sitting position. The pain was extreme and I fell back on the bed. "That's the end," said Major McDevitt, "I wouldn't be bothered helping anyone who was such a baby about a little thing like sitting up." And he refused to come to see me for 4 days.

Bear in mind that this was a woman who had two vertebra in her back broken—according to the Army report—her sacrum smashed, and her nerves so badly impaired that she could not control her bowels or urine. This was the treatment she got:

After 4 weeks of this had continued I asked for him again and told him that surely there must be something the matter with me, that people just don't lie helpless and in severe pain when they want to get back to their job, unless something is the matter. He was very cross. "Well, g—, we'll prove it to you. We'll take more X-rays and then you'll see that there is nothing the matter with you except that you are a stubborn baby."

They took more X-rays. They would not help me onto the high X-ray table. Major McDevitt said, "You asked for these X-rays and now, d—, you can climb on the table yourself." They told me that the X-rays showed nothing and they hoped I was satisfied now.

Those were the X-rays which showed nothing, according to the doctor—X-rays which the hospital later proved showed that this woman had a smashed back, a smashed sacrum, and nerves so badly impaired that 4 years later she cannot walk.

They insisted that I sit up in a wheel chair. I wanted to try, but it was very painful.

Finally they discharged me. Major McDevitt wrote a letter to Red Cross, saying that I had only superficial abrasions and that I had shown slow progress because I would not help myself. He said I would be ready for duty in 3 weeks.

I returned to my base. I could not walk alone, was still incontinent, and had severe pain. I returned 7 miles to the hospital daily for 1 week for physiotherapy, driving a jeep at Major McDevitt's suggestion. Sometimes someone would drive me; sometimes I drove alone, stopping beside the road when the pain was too great. At the end of the week the treatments stopped.

As a result of Major McDevitt's letter, I was recalled into Red Cross headquarters in Calcutta and sent out on another assignment, on the 7th of August.

Then she goes on to relate how she finally was taken to the hospital in Calcutta, where she got competent medical care, and that since that time she has never walked.

Mr. President, I realize that my 5 minutes are about up. I ask the Senator from Arkansas to refer to that part of the statement on page 9, showing how this girl, who was crippled, with a broken back, and who could not walk, was put into a room with no nursing care and no medical care. She tells how the lizards, toads, and scorpions crawled over her. None of this has been contradicted. The doctor who later treated her at Calcutta said that this was the most inexcusable and shameful case of malpractice he had ever seen.

The PRESIDING OFFICER. Is there objection to the present consideration of House bill 2960?







signed solely for the purpose of conserving sources of essential supply which, as a practical matter, would otherwise be rendered unavailable in times of national emergency. From the standpoint of the President's program this assistance would not be acceptable on any other basis. Approval of the elements of production subsidy in your redraft should not be construed in any way as constituting an approval of subsidy for other than strictly conservation purposes. If it should become necessary for the Federal Government to take special action to relieve unemployment in the affected mining areas, other means would have to be found than the use of production subsidies.

In this connection we should like to draw your attention to the provisions of section 4 (d) requiring the Minerals Conservation Board to determine the maximum and minimum prices which may be paid for purchases of metals or minerals. In assuring that such purchases are made solely for purposes of conservation, we believe it might be most advantageous to require that these price determinations allow only for coverage of the costs of operation and maintenance, without provision for net profit to the producer. The ultimate return to the producer rests in the long run availability of his property, conserved with the assistance of the Government, for production and sale on the open market under more favorable circumstances. We have held preliminary discussions with your representatives on this proposal to bar profit allowances and while no conclusion has been reached and no such amendment is included in your redraft, we feel strongly that the committee should give this matter serious consideration.

We note that the provisions in the redraft for these conservation aids are entirely dissociated from the Government's stockpiling program. The only relationship between the two programs is that materials acquired by the Government pursuant to conservation aids, are made available to the stock pile, if suitable to its purposes, on precisely the same conditions as are any materials privately produced for sale on the open market. We consider it most important, to assure accomplishment of the legitimate purposes of both programs, that the conservation of domestic mineral resources should remain entirely distinct from stock piling for national security purposes. Under no circumstances should their separate objectives become confused in the process of developing conservation legislation.

As you know, it had been our view in the Executive Office of the President, that materials acquired by the Government in the course of the conservation program and not transferred to the national security stock pile should be sold on the open market as fast as they accrue, in order to avoid building up large Government inventories of a miscellaneous character. In place of a provision for automatic sale, your redraft provides that sales must be made only at prices which will return to the Government the average of prices paid for the material sold. The redraft further provides that sales may be made at lower prices, when considered to be in the best interests of the Government, taking into account costs of continued storage, so long as it is determined that such action will not substantially depress the market. In our view, these arrangements constitute the maximum departure from provision for automatic sale which could be accepted as a matter of sound policy.

We have discussed with your representatives the organizational status of the Minerals Conservation Board established under S. 2105. The language of the original bill and that of your redraft would appear to establish the Board as an independent agency of the executive branch. We believe that this is not intended and that it might create problems respecting the handling of

appropriations as well as running counter to efforts, supported by the Commission on the Organization of the Executive Branch of the Government, aimed at reducing the number of separate agencies by grouping them under appropriate existing departments and agencies. Therefore, we suggest that serious consideration be given to amending the bill so that the Board would be an agency of the Department of the Interior and the Department be authorized to perform such house-keeping services as the Board may require. Appropriations for the expenses of the Board would then be made to the Department. Such an amendment should, of course, be so drawn as to safeguard the independent exercise by the Board of its substantive powers under the act.

In accordance with our understanding, a copy of this letter should accompany your report and redraft when submitted to the committee.

Sincerely yours,

F. J. LAWTON, *Acting Director.*

Mr. MALONE. I also ask unanimous consent to have the language of the Senate committee, on tax relief, as published in its report on the pending bill, be printed in the RECORD at this point.

There being no objection, the matter referred to was ordered to be printed in the RECORD, as follows:

#### TAX RELIEF

Cogent evidence has been presented to the committee that tax allowances for exploration and development costs are an effective means of attracting much needed venture capital into mining. The committee recommends, therefore, that the appropriate congressional committee undertake a study of the possibility of providing tax incentives for the domestic mining industry. However, it realizes the impossibility that any such action can be taken, or that its effects would be felt, in time to deal with the present emergency situation in respect to domestic sources of essential minerals and metals.

S. 2105 provides a new approach to the extremely complex and difficult problem of developing our reserves and revitalizing our mining industry, which has been and is a cornerstone of our national economy in peace or war. Time is very much of the essence in the situation, and the committee respectfully urges prompt action on the bill.

The favorable report of the Department of the Interior, signed by Secretary Krug, under date of August 15, 1949, together with the report of the Bureau of the Budget, are hereinbelow set forth in full and made a part of this report.

The VICE PRESIDENT. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the committee amendment, as amended.

The amendment, as amended, was agreed to.

The VICE PRESIDENT. The question is on the engrossment and third reading of the bill.

The bill S. 2105 was ordered to be engrossed for a third reading, read the third time, and passed.

#### ASSISTANCE TO STATES IN COLLECTING SALE AND USE TAXES ON CIGARETTES

Mr. GEORGE. Mr. President, I move that the Senate proceed to the consideration of House bill 195, Calendar No. 642, an act to assist States in collecting sales and use taxes on cigarettes.

The motion was agreed to, and the Senate proceeded to consider the bill

(H. R. 195) to assist States in collecting sales and use taxes on cigarettes.

The bill is as follows:

*Be it enacted, etc.,* That as used in this act the term—

(a) "person" means any individual, partnership, corporation, or association;

(b) "disposing of" means any transfer for profit;

(c) "cigarette" means any roll for smoking made wholly or in part of tobacco, irrespective of size or shape and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material except tobacco;

(d) "licensed distributor" means any person authorized by State statute or regulation to distribute cigarettes at wholesale or retail;

(e) "use," in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes;

(f) "tobacco tax administrator" means the State official duly authorized to administer the cigarette tax law of a State.

SEC. 2. Any person selling or disposing of cigarettes in interstate commerce whereby such cigarettes are shipped to other than a distributor licensed by or located in a State taxing the sale or use of cigarettes shall, not later than the 10th day of each month, forward to the tobacco tax administrator of the State into which such shipment is made, a memorandum or a copy of the invoice covering each and every such shipment of cigarettes made during the previous calendar month into said State; the memorandum or invoice in each case to include the name and address of the person to whom the shipment was made, the brand, and the quantity thereof.

SEC. 3. Whoever violates the provisions of this act shall be guilty of a misdemeanor and shall be fined not more than \$1,000 or imprisoned not more than 6 months, or both.

Mr. GEORGE obtained the floor.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 3734) making appropriations for civil functions administered by the Department of the Army for the fiscal year ending June 30, 1950, and for other purposes; that the House receded from its disagreement to the amendments of the Senate Nos. 5 and 11 to the bill, and concurred therein; that the House receded from its disagreement to the amendment of the Senate No. 16 to the bill, and concurred therein with an amendment, in which it requested the concurrence of the Senate, and that the House insisted upon its disagreement to the amendments of the Senate Nos. 12 and 13 to the bill.

The message also announced that the House had agreed to the amendments of the Senate to the bill (H. R. 3191) to amend the act approved September 7, 1916 (ch. 458, 39 Stat. 742), entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," as amended, by extending coverage to civilian officers of the United States, and by making benefits more realistic in terms of present wage rates, and for other purposes.



State to buy a Federal license for the manufacture of whisky. The Federal Government possibly would not disclose the name of the holder of the license. But the proposition before us is different from that.

Information as to income taxes is readily available and can be obtained, and the Federal Government has very properly assisted the States in that way in the collection of State income taxes.

Mr. KILGORE. Mr. President, will the Senator yield for a further question?

Mr. GEORGE. I yield.

Mr. KILGORE. The Senator realizes, of course, that in most States there are consumers' sales taxes, generally beginning at 2 percent, and sometimes going as high as 4 or 5 percent. Yet persons in those States who make purchases by mail from firms located outside their State, pay no consumer's sales tax on such purchases. That tax is similar to the tobacco tax or the cigarette tax; and there is no compulsion on the Federal Government to disclose those sales.

Let me say that I am distinctly opposed to, and always have been, and expect to vote against, the idea of having one State bootleg something into another State. However, let me point out that almost every month I receive advertisements from Tampa, Fla., and from other points in the United States, of cigars for sale. At the present time, while in the District of Columbia, I could purchase them under those conditions without paying the sales tax which is imposed in the District of Columbia. Similarly, I can make purchases from Sears, Roebuck or Montgomery Ward or other mail-order stores without paying the District of Columbia sales tax, if I make such purchases while I am in the District of Columbia; or without paying the West Virginia sales tax, if I make such purchases while I am in West Virginia; or without paying the Georgia sales tax, if I make such purchases while I am in Georgia.

My thought is that if we are to deal with this matter, we should do so thoroughly, and should protect the States throughout.

I am perfectly willing to go along with the Senator from Georgia in regard to the idea of protecting the States in respect to all their tax rights. But I question why we should single out cigarettes.

This question has been raised also by the veterans, who say they are required to pay the veterans' bonuses of New York and various other States through cigarette taxes; and of course veterans generally are large consumers of cigarettes.

Mr. GEORGE. The Senator is quite correct; the cigarette tax is especially devoted by many State laws to the payment of veterans' bonuses, to public assistance, to education, to aid to the blind, and so forth. Of course that is a very worthy purpose.

Mr. LONG. Mr. President, will the Senator yield?

Mr. GEORGE. I yield.

Mr. LONG. Is it not true that actually the sales tax on most items is a very minor factor in the total cost of the item—generally about 1 percent or 2 percent, whereas, on the other hand,

the tax on cigarettes constitutes 15 or 20 or 30 percent of the total cost of the cigarettes?

Mr. GEORGE. I was about to refer to that.

Mr. LONG. So, that constitutes a much greater incentive for a person to attempt to avoid paying the tax on cigarettes.

Mr. GEORGE. I was going to state that if in any case it is legitimate for the Federal Government to assist a State in that connection, then I think the Federal Government should do so.

But the question before us deals only with cigarettes. Very largely, for obvious reasons, most of the articles shipped from one State to another State are easily identifiable; but that is not true in the case of cigarettes. In most cases the amount of the sales tax on machinery or automobiles or automobile parts or other items, if a State imposes a sales tax or a use tax on such things, is inconsequential, as compared to the total cost of the article. But in the State of Louisiana, the State imposes a tax of 8 cents on each package of cigarettes sold in that State. Georgia now imposes a tax of 5 cents on cigarettes. So in the case of Louisiana, the tax becomes actually the largest item in the cost of each package sold. Hence, there is a temptation for a person or concern to establish a business of advertising in the State of Louisiana, "Why pay the 8-cent tax? You can buy cigarettes from us at the wholesale price, within this State."

Let me say that exactly that practice is carried on continuously by persons who sell cigarettes in States which impose a tax upon them. Day after day, I have read in newspapers in my State advertisements by which the citizens of the State are openly invited to violate the law, and the advertisements point out the enormous savings which can be made by doing so.

Mr. KILGORE. Mr. President, I wish the Senator to understand distinctly that I am not defending that practice. There is only one group in my State, so far as I know, that pays nothing to the State under such circumstances. I am not defending those persons.

But a large part of the income of my State comes from the sales tax. However, sales can be made to persons in my State by Sears, Roebuck or other mail-order houses without the payment of the tax, and the State has no recourse. Only in the case of cigarettes is there a recourse.

So I feel that in the case now before us we may be establishing a dangerous precedent.

Mr. GEORGE. I do not think it will be a dangerous precedent, for the reason that in most instances in the case of merchandise shipped from one State to another State, when a State imposes a tax on the article or on its use, that merchandise is easily identifiable and can be traced. But that is not possible in the case of cigarettes. So the States are entirely helpless in that matter. They have no power over interstate commerce. They have no way of identifying the shipments of cigarettes which

can be made by parcel post in large quantities; in fact, under the present postal regulations as to the size and weight of packages which may be shipped by parcel post, it is possible for a person to carry on, through the mails, virtually a wholesale business in cigarettes.

Mr. KILGORE. Mr. President, will the Senator yield further?

Mr. GEORGE. I yield for a question.

Mr. KILGORE. I wish to ask a question: Would the Senator from Georgia object to an amendment to section 2 of the bill, by adding at the end of the section the following:

The memorandum or invoice shall be required to be forwarded to a tobacco-tax administrator of a particular State only if (1) the cigarette-tax law of that State is terms applies to cigarettes shipped in interstate commerce for consumption and (2) the cigarette-tax law of that State may lawfully and constitutionally be applied to such interstate shipment.

I seek enlightenment. Does the Senator have objection to such an amendment?

Mr. GEORGE. Yes; I do, because such an amendment is entirely useless. I have already stated that in my opinion—for whatever it may be worth—a sales tax upon an interstate sale, as such, would probably not be sustained by the courts. But a use tax may be sustained.

If a State does not have a valid tax, that is no concern of the Federal Congress. All we now require is that a shipper for profit in interstate commerce simply furnish a copy of the invoice or statement in connection with articles sold to anyone but a registered dealer within the State.

Mr. KILGORE. I was asking the question with all due respect. I wanted to have the point made clear as to the one amendment that someone asked me to offer. Is there any objection, for instance, to making the act effective March 1, 1950, as against May 1, 1950?

Mr. GEORGE. Yes.

Mr. KILGORE. What is the objection?

Mr. GEORGE. The objection is that the States are losing a large amount of revenue. The States have been pressing for 2 years to get action upon the bill. The further objection is that no one, who is engaged in the practice of selling cigarettes into States that propose to try to collect a tax on them, has got a stock of merchandise which he cannot dispose of over the week end.

Mr. KILGORE. But if I may make the suggestion, why not speed it up from May 1, moving it back to March 1 of the same year? It would speed the whole thing up by 3 months. Would there be an objection to that?

Mr. GEORGE. I will not accept the change.

Mr. KILGORE. It would move it back to March 1.

Mr. GEORGE. I shall resist any amendment to change the effective date of the act, because, I may say, it is a part of a program, at the end of the session, further to delay the enactment of a regulatory matter that can be of advantage to the States in enforcing the laws.

81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

OCTOBER 6 (legislative day, SEPTEMBER 3), 1949

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. THYE to the bill (H. R. 5839)  
to facilitate and simplify the work of the Forest Service, and  
for other purposes, viz:

- 1       On page 10, line 4, after the word "plants" insert a
- 2       colon and the following: "*Provided further*, That the total
- 3       of such deposits required in any fiscal year shall not exceed
- 4       25 per centum of the total grazing fees for that year".



81<sup>ST</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 5839

---

## AMENDMENT

---

Intended to be proposed by Mr. Tye to the bill  
(H. R. 5839) to facilitate and simplify the  
work of the Forest Service, and for other  
purposes.

---

OCTOBER 6 (legislative day, SEPTEMBER 3), 1949  
Ordered to lie on the table and to be printed





little short of criminal but there is nothing that can be done. Funds to build at the present high level are just not to be had. When a local board does scrap together enough money to build a new building or an addition, it is usually done at the expense of the poorly paid teachers. In other words, there is simply not enough money to pay adequate teachers' salaries and to provide adequate school buildings.

I do hope there will be something done by the Congress in the very near future to relieve these deplorable conditions. You would certainly be doing your country and its children a great service if you would push some sort of bill that would relieve our overcrowded school conditions.

Yours very truly,

RUSSELL C. MOORE.

#### BILLS PASSED OVER

The bill (H. R. 6070) to amend the National Housing Act, as amended, and for other purposes, was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (H. R. 5647) to prohibit the picketing of United States courts, was announced as next in order.

Mr. DONNELL. Mr. President, by request, I ask that that bill be passed over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 240) to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals and for the establishment within the Department of the Interior of a Mine Incentive Payments Division, and for other purposes was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### EXTENSION OF BENEFITS UNDER BANKHEAD-JONES ACT TO PUERTO RICO

The bill (H. R. 4090) to extend the benefits of section 23 of the Bankhead-Jones Act to Puerto Rico was announced as next in order.

Mr. LODGE. Mr. President, may we have an explanation of the bill?

Mr. THOMAS of Oklahoma. Mr. President, under the Bankhead-Jones Act, as a rule young farmers are selected, and they are assisted in selecting farms and receive loans from the Government which are authorized by that Act. This bill would simply extend that system to Puerto Rico.

Mr. LODGE. Was the committee unanimous in its report?

Mr. THOMAS of Oklahoma. It was.

Mr. LODGE. I have no objection.

There being no objection, the bill (H. R. 4090) to extend the benefits of section 23 of the Bankhead-Jones Act to Puerto Rico, was considered, ordered to a third reading, read the third time, and passed.

#### EXTENSION OF BENEFITS TO THE TERRITORY OF ALASKA

The bill (H. R. 212) to extend to the Territory of Alaska the benefits of certain acts of Congress, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 133) to amend section 2 of the act approved June 20, 1936, entitled "An act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketcham Act to the Territory of Alaska, and for other purposes," was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 139) for the relief of Guillermo Chacartegui was announced as next in order.

Mr. SCHOEPEL. Over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 1353) for the relief of G. H. Lazarus, Jr., and Jesse F. Bewley, was announced as next in order.

Mr. SCHOEPEL. Over.

Mr. CHAPMAN. Mr. President, I ask that that bill be passed to the foot of the calendar.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### GEORGE SEEMAN JENSEN

The bill (H. R. 3718) for the relief of George Seeman Jensen, was considered, ordered to a third reading, read the third time, and passed.

#### ALEXIS LEGER

The bill (H. R. 3816) for the relief of Alexis Leger, was considered, ordered to a third reading, read the third time, and passed.

#### MARY THOMAS SCHIEK

The bill (H. R. 3300) for the relief of Mary Thomas Schiek, was announced as next in order.

Mr. DONNELL. Mr. President, by request I ask that the bill be passed over.

Mr. MCCARTHY. Mr. President, will the Senator withhold his objection for a moment?

Mr. DONNELL. Mr. President, I withdraw my objection.

There being no objection, the Senate proceeded to consider the bill (H. R. 3300) for the relief of Mary Thomas Schiek, which had been reported from the Committee on the Judiciary with an amendment.

The PRESIDING OFFICER. The clerk will state the committee amendment.

The LEGISLATIVE CLERK. It is proposed to strike out "\$35,000" and to insert "\$25,000."

Mr. MCCARTHY. Mr. President, in this connection I should like to say that I very heartily thank the Senator from West Virginia and the Senator from Arkansas for consenting that we have a vote on this committee amendment so that we may abide by the vote of the Senate. The House authorized the sum of \$35,000 for this young lady. The Senate Judiciary Subcommittee agreed to the figure of \$35,000. The full committee reduced the amount to \$25,000. I sincerely hope the Senate rejects the committee amendment and accepts the House figure.

I do not care to take much of the time of the Senate on this matter, because we

discussed it at great length last week. I think all Senators are fully aware of the facts and circumstances surrounding the case. However, I should like to take about 2 minutes to run over the facts in the case. It involves a Red Cross nurse who was injured by a truck in India. There is no question that she was operating within the scope of her official duties at the time. She suffered a fracture of the sacrum, a fracture of the pelvis, a fracture of two of the vertebrae in her back, and several fractured ribs, with an impingement of the main trunk nerves.

According to the hospital in Calcutta where this girl later went, Dr. McDevitt, the Army doctor in the field hospital, was guilty of gross malpractice. As a result, 4 years later this young lady is still unable to control her bowel movements and her kidneys. She can walk about a block with the use of special braces. She can sit in a chair if properly braced. The whole history of the case gives a picture I think as bad as any I have read of, insofar as personal injuries or gross malpractice are concerned.

For example, this young lady went to the base hospital, the doctor examined her, and said there was nothing wrong. He said, "Get up and walk." Of course she could not get up and walk. Even while lying in bed she could not turn over because of this serious injury.

She asked that X-ray pictures be made, and the doctor told her they would be made if she would get up on the table herself, but she could not do that. When X-rays were at length taken, the doctor said, "This proves you are a big baby as you are not injured."

Finally, they tried psychological treatment on her. They put her off in a little wooden hut with no doors, so that anyone could walk in at any time. She was not within calling distance of a doctor or a nurse. According to her, scorpions and insects were crawling over her. Finally, they gave her a wheel chair so that she could get to the ladies' room. At length the doctor discharged her as cured, reporting she was merely refusing to cooperate, and that that was why she was not getting well.

They sent her to Calcutta, where the doctors X-rayed her and found the very serious injuries I have recounted. The last time this matter was debated I failed to mention some of the fractures. There was a serious fracture of the pelvis, a fracture of the sacrum, a fracture of two bones of the back, fracture of her ribs, and a damaged nerve.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. MCCARTHY. If I may finish the sentence, the doctors now report that she is permanently disabled.

Mr. KILGORE. Mr. President, in view of the fact that voting down the amendment would be an overruling of the well-considered policy of a standing committee, I request a yea-and-nay vote.

Mr. MCCARTHY. I join in the request.



The PRESIDING OFFICER. Is the demand sufficiently seconded?

The yeas and nays were not ordered.

Mr. McCARTHY. I ask for a division. Am I correct in understanding that a "No" vote will be a vote for the House figure of \$35,000, and that a "yes" vote will be a vote to cut the amount down to \$25,000?

The PRESIDING OFFICER. The question is upon the adoption of the committee amendment, which reduces the amount provided by the House from \$35,000 to \$25,000.

On this question a division is asked for.

On a division the amendment of the committee was rejected.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### WILDER DAM PROJECT

The joint resolution (S. J. Res. 58) providing for a rehearing in the matter of the Bellows Falls Hydroelectric Corporation (project No. 1892), known as the Wilder Dam project, and a review of any order of the Federal Power Commission, was announced as next in order.

Mr. DONNELL. Over, by request.

Mr. AIKEN. Mr. President, will the Senator withhold his objection?

Mr. DONNELL. I withhold it.

Mr. AIKEN. The subject matter of this joint resolution was thoroughly investigated last year by a subcommittee of the Committee on Public Works of which the Senator from Nevada [Mr. MALONE] was chairman, the other members being the then Senator Cooper, of Kentucky; the Senator from Pennsylvania [Mr. MARTIN]; the Senator from Arkansas [Mr. McCLELLAN]; and the late Senator Overton, of Louisiana.

The Public Works Committee unanimously reported the joint resolution and it was passed by the Senate on the consent calendar, but there was not time last year for the House to act upon it. This year the joint resolution was referred to the Committee on Interstate and Foreign Commerce, and was reported favorably, as I understand, with the single exception of the vote of the senior Senator from Kansas [Mr. REED]. The Senator from Kansas has objected to action being taken upon this measure, which has been approved by two committees, and was once passed unanimously by the Senate.

I know the Senator from Kansas when he was present was well within his rights to object to the joint resolution being acted upon, but it seems to me that when he goes away and merely blocks action on it by leaving word that he does not want any action on it, he is straining senatorial courtesy a bit too far. So I ask, Mr. President, if it would be in order,

when the call of the calendar is completed, to move the consideration of the joint resolution and have it acted upon. To the best of my knowledge the Senator from Kansas is the only Member of the Senate who objects to it, and, as I have said, I do not think he should be permitted to block it merely by going away and leaving word he does not want it acted upon.

Mr. DONNELL. Mr. President, by reason of the desire of our colleague who is absent, I feel constrained to object, and I do object.

The PRESIDING OFFICER. Objection is heard. In response to the inquiry of the Senator from Vermont, the Chair will say that a motion could be made to bring the joint resolution up at any time, independent of any call of the calendar.

Mr. AIKEN. Could it be made at the end of the call of the calendar?

The PRESIDING OFFICER. It could be made as any other motion could be made, not in connection with the calendar. The unfinished business has been set for that time, and the motion would have to be made at some appropriate time.

Mr. AIKEN. It would have to be made after the call of the calendar was concluded?

The PRESIDING OFFICER. It could not necessarily be made then, because unless the joint resolution goes to the end of the calendar by consent, it would not be subject to call.

Mr. AIKEN. Mr. President, in the interest of good legislation, I think we should not make it possible for a Member of the Senate to go home and block any legislation he does not like merely by saying that he objects to having it acted upon, or, for that matter, to block it completely even while he is here.

Mr. SCHOEPPPEL. Mr. President, may I inquire of the distinguished Senator what the status is of some of the Senators in Europe who have left requests?

Mr. AIKEN. I would say that the request of any Senator who goes to Europe and leaves word that he does not want legislation acted upon while he is taking a trip to Europe should be disregarded by the Senate.

Mr. SCHOEPPPEL. I might say that my colleague from Kansas had leave of the Senate to be absent, and stated his reasons for leaving. It was because of an unfortunate accident which happened to his wife. Under those conditions, I certainly should like to see the request which he not only left with me, but I am sure with the Senator from Missouri [Mr. DONNELL] complied with, and that the joint resolution be passed over. I do want the Members of the Senate to know the conditions which existed at the time my colleague left.

The PRESIDING OFFICER. The joint resolution will be passed over.

Mr. AIKEN. Mr. President, I am glad the junior Senator from Kansas has pointed out the reason for the absence of the senior Senator from Kansas. I was unaware of the reason he has called to our attention.

I still think, however, that it is not in the interest of good legislating to permit any Member of the Senate, unless he has

an exceptionally good reason, to prevent action on legislation merely because he is away for an extended length of time.

The PRESIDING OFFICER. The joint resolution has been passed over.

Mr. DONNELL. Mr. President, I might say, with respect to the comment of the Senator from Kansas, that the senior Senator from Kansas has not made the objection to me personally, but the notation which I have, which was left with me by the minority leader, leads me to believe that he does object.

While I am on my feet, may I inquire as to Calendar Order No. 1055, House bill 3816? Although the objection was withdrawn, I am not certain that actual action was taken by the Senate on the bill.

The PRESIDING OFFICER. The bill was passed.

Mr. DONNELL. I thank the Presiding Officer.

#### JOINT RESOLUTION PASSED TO FOOT OF CALENDAR

The joint resolution (H. J. Res. 230) authorizing the Secretary of the Navy to construct, and the President of the United States to present to the people of St. Lawrence, Newfoundland, on behalf of the people of the United States, a hospital or dispensary for heroic services to the officers and men of the United States Navy was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, I have been asked to object to this joint resolution, but before I do so I should like, for the benefit of the RECORD to have some explanation of it.

The PRESIDING OFFICER. Is a member of the Armed Services Committee present who is familiar with the matter?

Mr. MAGNUSON. Mr. President, I ask that the joint resolution go to the foot of the calendar.

The PRESIDING OFFICER. Without objection, the joint resolution will go to the foot of the calendar.

#### MEDICAL SERVICES FOR CERTAIN NON-INDIANS

The bill (H. R. 4815) to provide for medical services to non-Indians in Indian hospitals, and for other purposes, was announced as next in order.

Mr. MYERS. Over, by request.

The PRESIDING OFFICER. The bill will be passed over.

Mr. HUMPHREY subsequently said: Mr. President, a moment ago the distinguished acting majority leader objected to House bill 4815, Calendar No. 1106, when it was reached. I recall that at the last call of the calendar I objected to that House bill being acted upon. I have talked with the Senator from Montana [Mr. ECRON] since that time. I have an amendment in reference to that particular measure which I think is acceptable to the Senator from Montana. If the acting majority leader has no objection, I should like to ask to have the Senate return to consideration of House bill 4815. If that measure be taken up, I shall offer my amendment, and with the amendment in it I believe the bill could be passed.

Mr. DONNELL. By request I object.

Mr. MYERS. My objection was based on the previous objection by the Senator







81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, viz: On page 9, beginning with line 11, strike out through line 9 on page 10 and insert in lieu thereof the following:

- 1        SEC. 12. Of the moneys received from grazing fees by
- 2 the Treasury from each national forest during each fiscal
- 3 year there shall be available at the end thereof when appro-
- 4 priated by Congress an amount equivalent to 2 cents per
- 5 animal-month for sheep and goats and 10 cents per animal-
- 6 month for other kinds of livestock under permit on such
- 7 national forest during the calendar year in which the fiscal
- 8 year begins, which appropriated amount shall be available
- 9 until expended on such national forest, under such regulations



1 as the Secretary of Agriculture may prescribe, for (1)  
2 artificial revegetation, including the collection or purchase  
3 of necessary seed; (2) construction and maintenance of  
4 drift or division fences and stock-watering places, bridges,  
5 corrals, driveways, or other necessary range improvements;  
6 (3) control of range-destroying rodents; or (4) eradication  
7 of poisonous plants and noxious weeds, in order to protect  
8 or improve the future productivity of the range.



81ST CONGRESS  
2D Session

# H. R. 5839

---

## AMENDMENT

---

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

---

JANUARY 31 (Legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, viz: At the end of the bill insert the following new section:

1        SEC.    . The Secretary of Agriculture in regulating  
2 grazing on the national forests and other lands administered  
3 by him in connection therewith is authorized, upon such  
4 terms and conditions as he may deem proper, to issue per-  
5 mits for the grazing of livestock for periods not exceeding  
6 ten years and renewals thereof: *Provided*, That nothing  
7 herein shall be construed as limiting or restricting any right,  
8 title, or interest of the United States in any land or resources.



81ST CONGRESS  
2d Session

**H. R. 5839**

---

## **AMENDMENT**

---

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

---

JANUARY 31 (Legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

---

## AMENDMENT

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, viz: At the end of the bill insert the following new section:

1        SEC. . (a) (1) To provide national forest grazing  
2        permittees means for the expression of their recommenda-  
3        tions concerning the management and administration of  
4        national forest grazing lands, a local advisory board shall  
5        be constituted and elected as hereinafter provided for each  
6        national forest or administrative subdivision thereof when-  
7        ever a majority of the grazing permittees of such national  
8        forest or administrative subdivision so petitions the Secre-  
9        tary of Agriculture. Each elected local advisory board  
10       existing for such purpose at the time of the enactment of

1 this Act, and recognized as such by the Department of  
2 Agriculture, shall continue to be the local advisory board  
3 for the unit or area it represents, until replaced by a local  
4 advisory board or boards constituted and elected as herein-  
5 after provided.

6 (2) Each such local advisory board shall be consti-  
7 tuted and elected under rules and regulations, consistent  
8 herewith, now or hereafter approved by the Secretary of  
9 Agriculture, and shall be recognized by him as representing  
10 the grazing permittees of the national forest or administra-  
11 tive subdivision thereof for which such local advisory board  
12 has been constituted and elected.

13 (3) Each such local advisory board shall consist of  
14 not less than three nor more than twelve members, who  
15 shall be national forest grazing permittees in the area for  
16 which such board is constituted, elected, and recognized.  
17 In addition, a wildlife representative may be appointed as  
18 a member of each such board by the State game commis-  
19 sion, or the corresponding public body of the State in which  
20 the advisory board is located, to advise on wildlife problems.

21 (4) Each such local advisory board shall meet at least  
22 once annually, at a time to be fixed by such board, and at  
23 such other time or times as its members may determine,  
24 or on the call of the chairman thereof or of the Secretary of  
25 Agriculture or his authorized representative.

1       (b) Upon the request of any party affected thereby,  
2 the Secretary of Agriculture, or his duly authorized repre-  
3 sentative, shall refer to the appropriate local advisory board  
4 for its advice and recommendations any matter pertaining  
5 to (1) the modification of the terms, or the denial of a  
6 renewal of, or a reduction in, a grazing permit, or (2) the  
7 establishment or modification of an individual or community  
8 allotment. In the event the Secretary of Agriculture, or  
9 his duly authorized representative, shall overrule, disregard,  
10 or modify any such recommendations, he, or such repre-  
11 sentative, shall furnish in writing to the local advisory board  
12 his reasons for such action.

13       (c) (1) At least thirty days prior to the issuance by  
14 the Secretary of Agriculture of any regulation under this  
15 Act or otherwise, with respect to the administration of  
16 grazing on national forest lands, or of amendments or addi-  
17 tions to, or modifications in, any such regulation, which in  
18 his judgment would substantially modify existing policy with  
19 respect to grazing in national forests, or which would ma-  
20 terially affect preferences of permittees in the area involved,  
21 the local advisory board for each area that will be affected  
22 thereby shall be notified of the intention to take such action.  
23 If as a result of this notice the Secretary of Agriculture shall  
24 receive any recommendation respecting the issuance of the  
25 proposed regulation and shall overrule, disregard, or modify



1 any such regulations, he or his representative shall furnish  
2 in writing to the local advisory board his reasons for such  
3 action.

4       (2) Any such local advisory board may at any time  
5 recommend to the Secretary of Agriculture, or his repre-  
6 sentative, the issuance of regulations or instructions relating  
7 to the use of national forest lands, seasons of use, grazing  
8 capacity of such lands, and any other matters affecting the  
9 administration of grazing in the area represented by such  
10 board.



# H. R. 5839

## AMENDMENT

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

JANUARY 31 (legislative day, JANUARY 4), 1950  
Ordered to lie on the table and to be printed

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5839

---

IN THE SENATE OF THE UNITED STATES

JANUARY 31 (legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed

---

## AMENDMENTS

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service and for other purposes, viz:

1        On page 3, line 18, after the word "The" strike the  
2 words "Forest Service" and insert: "Secretary of Agri-  
3 culture".

4        On page 3, line 25, after the word "cost" strike the words  
5 "or the depositor's share thereof" and insert: "of the work  
6 to be done for the benefit of the depositor".

7        On page 5, line 5, after the word "cost" insert the words  
8 "and the funds received as reimbursement".

9        On page 6, line 3, after the word "required" insert the  
10 words "by the Secretary of Agriculture".



1        On page 8, line 12, after the word "is" insert the words  
2 "determined by the Secretary of Agriculture to be".

3        On page 8, line 17, after the word "the" strike the  
4 words "Forest Service" and insert the words "Secretary  
5 of Agriculture".

6        On page 8, line 21, strike the words "other than na-  
7 tional forest lands" and insert the words "(other than  
8 national forest lands)".

Approved by the Senate and House of Representatives of the United States of America in Congress assembled, February 1, 1875.

Approved by the Senate and House of Representatives of the United States of America in Congress assembled, February 1, 1875.

# AMENDMENTS

Approved by the Senate and House of Representatives of the United States of America in Congress assembled, February 1, 1875.

81<sup>ST</sup> CONGRESS  
2<sup>D</sup> Session

# H. R. 5839

---

## AMENDMENTS

---

Intended to be proposed by Mr. O'MAHONEY to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

---

JANUARY 31 (legislative day, JANUARY 4), 1950

Ordered to lie on the table and to be printed







than their official station, and to authorize reimbursement for such travel by privately owned automobiles at a rate of not exceeding 7 cents per mile was announced as next in order.

The VICE PRESIDENT. A Senate bill on the same subject, Calendar 825, Senate bill 48, has already been passed over. This bill will be passed over.

The bill (S. 1390) to authorize the conveyance to the State of California of easements for the construction and maintenance of a toll highway crossing and approaches thereto over and across lands of the United States in the vicinity of San Francisco Bay, Calif., and for other purposes, was announced as next in order.

Mr. KNOWLAND. Mr. President, my colleague from California [Mr. Downey] has asked that this bill go over. While it is my bill, I ask that it go over.

The VICE PRESIDENT. The bill will be passed over.

The bill (S. 1596) to authorize the Postmaster General to enter into special agreements for certain switching service by railway common carriers, and for other purposes, was announced as next in order.

Mr. WHERRY. Mr. President, I should like to ask the majority leader what was done with Calendar No. 596, Senate Resolution 58?

The VICE PRESIDENT. All bills and other measures called thus far on the calendar have gone over.

Mr. WHERRY. In my own time, I should like to ask what was done with Calendar No. 596, Senate Resolution 58?

Mr. LUCAS. It was passed over.

Mr. WHERRY. Mr. President, let me inquire who objected to the present consideration of that measure.

The VICE PRESIDENT. The Senator from Illinois asked that it go over, and it went over.

The question now is, is there objection to the present consideration of Senate bill 1596, Calendar No. 951?

Mr. HENDRICKSON. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The Senator from New Jersey objects, and the bill goes over.

The bill (S. 17) to authorize the Secretary of the Interior to issue patents for certain lands to certain settlers in the Pyramid Lake Indian Reservation, Nev., was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. ANDERSON. Mr. President, I object.

The VICE PRESIDENT. The Senator from New Mexico objects. The bill goes over.

The bill (H. R. 6070) to amend the National Housing Act, as amended, and for other purposes, was announced as next in order.

Mr. SPARKMAN. I ask that the bill go over.

The VICE PRESIDENT. The Senator from Alabama objects, and the bill goes over.

The bill (H. R. 5647) to prohibit the picketing of United States courts was announced as next in order.

Mr. LANGER. I ask that the bill go over.

The VICE PRESIDENT. The Senator from North Dakota objects, and the bill goes over.

The bill (S. 240) to stimulate the exploration, production, and conservation of strategic and critical ores, metals, and minerals, and for the establishment within the Department of the Interior of a Mine Incentive Payments Division, and for other purposes, was announced as next in order.

Mr. WILLIAMS. I ask that the bill go over.

The VICE PRESIDENT. The Senator from Delaware objects, and the bill goes over.

The bill (H. R. 133) to amend section 2 of the act approved June 20, 1936, entitled "An act to extend the benefits of the Adams Act, the Purnell Act, and the Capper-Ketchum Act to the Territory of Alaska, and for other purposes," was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

The VICE PRESIDENT. The Senator from New Jersey objects, and the bill goes over.

The bill (S. 139) for the relief of Guillermo Chacartegui was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SCHOEFFEL. Mr. President, I understood an amendment was to be offered to the bill. If the bill is not amended, I must object to it.

The VICE PRESIDENT. The bill is reported without amendment. In view of the statement of the Senator from Kansas, the bill will be passed over.

#### THE FOREST SERVICE—BILL PASSED OVER

The bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, was announced as next in order.

Mr. WHERRY. Mr. President, reserving the right to object, it is my understanding that three amendments are to be offered to this bill. I wonder whether I am correct in that understanding.

Mr. O'MAHONEY. The Senator from Nebraska is quite correct.

Mr. THYE. Mr. President, if I may advise the minority leader, let me say there was objection to the bill the last time the calendar was called. At the present time, there are at the desk some amendments to the bill. I understand that if the amendments are adopted, they will remove the objections to the bill.

All the information which I have been able to gather indicates that the amendments are acceptable not only to the sponsors of the bill but also to the Forest Service, and we think the Forest Service would approve the bill as thus amended. Certainly I would not object to the adoption of the amendments.

The Senator from Wyoming offered the amendments, and he was one of the original objectors. Likewise, the Senator from Colorado [Mr. MILLIKIN] had raised objections, but I am quite sure his objections will be removed by the amendments.

The VICE PRESIDENT. The question is, Is there objection to the present consideration of the bill?

Mr. WHERRY. Mr. President, I have already stated that I wish to reserve the right to object.

In view of the explanation given by the distinguished Senator from Minnesota, if the amendments can be brought before the Senate and if they are agreeable to the Senator from Colorado and the Senator from Minnesota, I shall have no objection.

The VICE PRESIDENT. The question is, first, is there objection to the present consideration of the bill?

Mr. WATKINS. I object.

The VICE PRESIDENT. The Senator from Utah objects, and the bill goes over.

#### JOINT RESOLUTIONS AND BILLS PASSED OVER

The joint resolution (S. J. Res. 58) providing for a rehearing in the matter of the Bellows Falls Hydro-Electric Corp. (project No. 1892), known as the Wilder Dam project, and a review of any order of the Federal Power Commission, was announced as next in order.

Mr. LODGE. I object.

The VICE PRESIDENT. The Senator from Massachusetts objects, and the joint resolution goes over.

The bill (H. R. 4315) to provide for medical services to non-Indians in Indian hospitals, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. LANGER. I object.

The VICE PRESIDENT. The Senator from North Dakota objects, and the bill goes over.

The bill (S. 2197) to amend the Export-Import Bank Act of 1945, as amended (59 Stat. 526, 666, 61 Stat. 130), to vest in the Export-Import Bank of Washington, the power to guarantee United States investments abroad, was announced as next in order.

Mr. MAYBANK. I object.

The VICE PRESIDENT. The Senator from South Carolina objects, and the bill goes over.

The bill (H. R. 1161) to provide for the conversion of national banking associations into and their merger or consolidation with State banks, and for other purposes, was announced as next in order.

Mr. HENDRICKSON. I ask that the bill go over.

The VICE PRESIDENT. The Senator from New Jersey objects, and the bill goes over.

The bill (S. 250) to authorize the Federal Security Administration to assist the States in the development of community recreation programs for the people of the United States, and for other purposes, was announced as next in order.

Mr. TAFT. I object.

The VICE PRESIDENT. The Senator from Ohio objects, and the bill goes over.

The bill (S. 2195) to authorize the Palisades Dam and Reservoir project, to authorize the north side pumping division and related works, to provide for



the disposition of reserved space in American Falls Reservoir, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. I ask that the bill go over.

The VICE PRESIDENT. Under objection of the Senator from New Jersey the bill goes over.

The bill (S. 2006) to amend the Home Owners' Loan Act of 1933 with respect to Federal savings and loan associations was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. MAGNUSON. I ask that the bill go over.

The VICE PRESIDENT. The Senator from Washington objects, and the bill goes over.

The bill (S. 2034) to amend the provisions of the Perishable Agricultural Commodities Act, 1930, relating to practices in the marketing of perishable agricultural commodities was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, I should like to offer an amendment to the bill at the next call of the calendar. Meantime I ask that the bill go over.

The VICE PRESIDENT. The Senator from New Jersey objects, and the bill goes over.

The bill (S. 501) repealing section 202 (e) of the Sugar Act of 1948 was announced as next in order.

Mr. LODGE. I ask that the bill go over.

The VICE PRESIDENT. Upon objection of the Senator from Massachusetts, the bill will go over.

The bill (H. R. 5472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. SCHOEPPPEL. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The Senator from Kansas objects, and the bill will go over.

The bill (H. R. 5731) to discharge a fiduciary obligation to Iran was announced as next in order.

Mr. O'MAHONEY. I ask that the bill go over.

The VICE PRESIDENT. The Senator from Wyoming objects, and the bill goes over.

The bill (H. R. 3480) to authorize the Commonwealth of Kentucky to use for certain educational purposes lands granted by the United States to such Commonwealth for State park purposes exclusively was announced as next in order.

Mr. MORSE. Mr. President, I wish to confer with the two Senators from Kentucky in regard to the bill between now and the next call of the calendar.

Therefore, I ask that the bill go over at this time.

The VICE PRESIDENT. The Senator from Oregon objects, and the bill goes over.

The joint resolution (H. J. Res. 238) to provide the privilege of becoming a naturalized citizen of the United States to all immigrants having a legal right to permanent residence was announced as next in order.

Mr. RUSSELL. Let the joint resolution go over.

The VICE PRESIDENT. The Senator from Georgia objects, and the joint resolution will be passed over.

The bill (H. R. 6073) to amend section 501 (B) (6) of the Internal Revenue Code was announced as next in order.

Mr. LANGER. Let the bill go over.

The VICE PRESIDENT. The Senator from North Dakota objects, and the bill goes over.

The bill (S. 211) to amend the act entitled "An act to create the Inland Waterways Corporation for the purpose of carrying out the mandate and purpose of Congress as expressed in sections 201 and 500 of the Transportation Act, and for other purposes," approved June 3, 1924, as amended, was announced as next in order.

Mr. IVES. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. The Senator from New York objects, and the bill goes over.

**TREATMENT AND REHABILITATION OF YOUTH OFFENDERS — BILL PASSED OVER**

The bill (S. 2609) to provide a system for the treatment and rehabilitation of youth offenders to improve the administration of criminal justice, and for other purposes, was announced as next in order.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. HENDRICKSON. Mr. President, may we have an explanation of the bill?

Mr. KILGORE. Mr. President, I am delighted to explain the bill.

The bill comes from the committee as a clean bill, without amendment, by reason of the fact that every district judge of the Federal courts, all circuit judges, the American Bar Association, the Lawyers' Guild, the national legal societies, the Grange, and the other agricultural organizations have conferred regarding the bill and are favorable to it.

The bill will cost the United States, at the beginning, not to exceed \$85,000 a year. At the end of probably 3 years, the cost may increase to \$185,000.

The bill will not be compulsory in any sense of the word; but it will give the judges of trial jurisdiction the right to refer the case of any prisoner under 24 years of age, who is not a habitual offender, to the Department of Justice, for complete study in the penal and other institutions of the United States now in existence, to determine whether the person is a criminal or whether the situation in his or her case is a curable one, before sentence is passed.

As I have said, the bill has the unqualified endorsement of the American

Bar Association, the Lawyers Guild, the Grange, the Farm Bureau, I believe; I distinctly remember that it has the approval of the American Legion. All those organizations had representatives appear before the committee and testify in favor of the bill. Numerous judges testified in favor of the bill, including the Conference of Senior Circuit Court Judges.

For the past 6 or 8 months we have tried to have the bill acted upon. Objection has been made, but only by the Senator from Colorado, who I understand has withdrawn his objection.

Mr. HENDRICKSON. I thank the Senator.

The VICE PRESIDENT. Is there objection to the present consideration of the bill?

Mr. RUSSELL. Mr. President, it is inconceivable to me that the provisions of the bill can be administered at a cost of only \$85,000, and I should like to have more time to study the bill.

The VICE PRESIDENT. On objection, the bill goes over.

**RESOLUTION AND BILLS PASSED OVER**

The resolution (S. Res. 187), favoring a review of the policy of dismantling German industrial establishments was announced as next in order.

Mr. LEHMAN. I object.

The VICE PRESIDENT. On objection of the Senator from New York the resolution goes over.

The bill (H. R. 4569) authorizing the transfer of Fort Des Moines, Iowa, to the State of Iowa was announced as next in order.

Mr. MORSE. Mr. President, I ask that the bill go over.

The VICE PRESIDENT. On objection of the Senator from Oregon, the bill goes over.

The bill (S. 1728) to prohibit discrimination in employment because of race, color, religion, or national origin, was announced as next in order.

Mr. HILL. I object.

Mr. JOHNSTON of South Carolina. I object.

The VICE PRESIDENT. Objections are heard, and the bill will be passed over.

**EXEMPTION FROM TARIFF DUTIES OF CERTAIN METALLIC IMPURITIES IN TIN ORES**

The bill (H. R. 2585) to amend the Tariff Act of 1930 to provide for exemption from duty of certain metallic impurities in tin ores and concentrates when such impurities are not recovered was announced as next in order.

Mr. SCHOEPPPEL. Mr. President, may we have a brief explanation of the bill?

Mr. GEORGE. Mr. President, it is a very simple bill. It proposes to amend a section of the Tariff Act which already permits certain metallic elements in ores, which are imported in connection with gold and other materials, when those elements are impurities that are not recovered, to come in free of duty. In this case it applies only to tin. When tin is imported, if there are other mineral elements which are not recovered at all, then there is no duty imposed on the







## Summary of amounts appropriated for Tennessee Valley Authority

Law	Name of act	Congress	Amount
Public No. 77	Fourth Deficiency	73d	\$50,000,000
Public No. 412	Emergency	do	25,000,000
Public No. 260	Second Deficiency	74th	26,000,000
Public No. 339	First Deficiency	do	39,900,000
Public No. 121	Second Deficiency	75th	40,166,270
Public No. 534	Independent Offices	do	40,000,000
Public No. 8	do	76th	39,003,000
Public No. 459	do	do	40,000,000
Public Res. 95	Resolutions (S. J. 285, H. J. 583)	do	25,000,000
Public No. 28	Independent Offices	77th	79,800,000
Public No. 179	Resolution (H. J. Res. 194)	do	40,000,000
Public No. 353	Third Supplemental	do	47,000,000
Public No. 422	Fourth Supplemental	do	30,000,000
Public No. 630	Independent Offices	do	136,100,000
Public No. 90	do	78th	(1)
Public No. 358	do	do	(1)
Public No. 49	do	79th	9,648,000
Public No. 519	Government Corporations	do	39,996,000
Public No. 268	do	80th	18,700,000
Public No. 860	do	80th 2d	27,389,061
Public No. 71	First Deficiency	81st 1st	2,950,000
Public No. 206	Independent Offices	do	49,359,150
Total amount appropriated			815,921,481

<sup>1</sup> Unexpended balance only.

## LINCOLN DAY ADDRESS BY SENATOR WHERRY AT SAN FRANCISCO

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an address delivered by him at a Lincoln Day meeting under the auspices of the California Republican State Organization and the San Francisco County Republican Committee, at the Hotel Fairmont, San Francisco, Calif., on February 9, 1950, which appears in the Appendix.]

## LINCOLN DAY ADDRESS BY SENATOR WHERRY AT LOS ANGELES

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an address delivered by him at a Lincoln Day meeting under the auspices of the California Republican State Organization and Los Angeles County Republican Committee, at the Hotel Biltmore, Los Angeles, Calif., on February 10, 1950, which appears in the Appendix.]

## AIR ENGINEERING DEVELOPMENT CENTER—ADDRESS BY THE SECRETARY OF THE AIR FORCE

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an address delivered by the Secretary of the Air Force, W. Stuart Symington, at a meeting of the Nashville Chamber of Commerce, at Nashville, Tenn., on February 10, 1950, which appears in the Appendix.]

## ADDRESS BY THE SECRETARY OF THE AIR FORCE BEFORE THE GRADUATING CLASS OF BAYLOR UNIVERSITY

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an address delivered by W. Stuart Symington, Secretary of the Air Force, before the graduating class of Baylor University, at Waco, Tex., on February 1, 1950, which appears in the Appendix.]

## LINCOLN DAY DINNER ADDRESS BY GOVERNOR DRISCOLL

[Mr. SMITH of New Jersey asked and obtained leave to have printed in the RECORD the address delivered by Gov. Alfred E. Driscoll, of New Jersey, at the Lincoln Day dinner held in New York, N. Y., on February 13, 1950, which appears in the Appendix.]

## RESOLUTIONS OF OLMSTEAD COUNTY (MINN.) FARM BUREAU

[Mr. HUMPHREY asked and obtained leave to have printed in the RECORD resolutions by the Olmstead County (Minn.) Farm Bureau at its annual meeting on December 10, 1949, which appear in the Appendix.]

## OPPOSITION TO RATIFICATION OF THE GENOCIDE CONVENTION—STATEMENT BY LEANDER H. PEREZ

[Mr. STENNIS, on behalf of himself and Mr. EASTLAND, asked and obtained leave to have printed in the RECORD a statement by Leander H. Perez, district attorney of Louisiana, against ratification of the Genocide Convention, before the Senate Foreign Relations Committee, which appears in the Appendix.]

## THE CVA AND CONSERVATION—LETTER BY WINTON WEYDEMEYER

[Mr. ECTON asked and obtained leave to have printed in the RECORD an open letter entitled "The CVA and Conservation," addressed to the editors of Nature magazine by Winton Weydemeyer, master of the Montana State Grange, which appears in the Appendix.]

## REPRESENTATIVE O'SULLIVAN, OF NEBRASKA—EDITORIAL FROM KEARNEY (NEBR.) DAILY HUB

[Mr. WHERRY asked and obtained leave to have printed in the RECORD an editorial entitled "O'Sullivan's Oratory," published in the Kearney (Nebr.) Daily Hub of February 3, 1950, which appears in the Appendix.]

## DEVELOPMENT OF THE CUMBERLAND RIVER—EDITORIAL FROM THE PARIS (TENN.) POST-INTELLIGENCER

[Mr. KEFAUVER asked and obtained leave to have printed in the RECORD an editorial entitled "Looking Forward," by W. Percy Williams, publisher of the Paris (Tenn.) Post-Intelligencer, which appears in the Appendix.]

## THE FULBRIGHT EXCHANGE PROGRAM IN OPERATION—ARTICLE BY CHARLES E. ODEGAARD

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an article entitled "The Fulbright Exchange Program in Operation," by Charles E. Odegaard, published in the December 1949 issue of the News Letter of the American Council of Learned Societies, which appears in the Appendix.]

## CONDITIONS IN CHINA—ARTICLE BY WALTER LIPPMANN

[Mr. CONNALLY asked and obtained leave to have printed in the RECORD an article entitled "Three Bad Weeks," written by Walter Lippmann and published in the Washington Post of February 14, 1950, which appears in the Appendix.]

## WASHINGTON AND LEE UNIVERSITY—ARTICLE BY E. A. WATSON

[Mr. ROBERTSON asked and obtained leave to have printed in the RECORD an article entitled "Washington and Lee University and Its Bicentennial Celebration," written by E. A. Watson, editor of the Ironworker, and reprinted in the twentieth anniversary edition of Dixie Business, which appears in the Appendix.]

## COLUMBIA RIVER BASIN IRRIGATION PROJECTS

Mr. CHAVEZ. Mr. President, I ask unanimous consent that I may be permitted to make an observation for 2 or 3 minutes. I wish to call a matter to the attention of the majority leader.

The VICE PRESIDENT. Without objection, the Senator may proceed.

Mr. CHAVEZ. House bill 5472 is a rivers-and-harbors and flood-control bill. It was developed by the House of Representatives, after thorough and lengthy public hearings. It passed the House of Representatives on August 22, 1949.

The Senate Committee on Public Works held 17 days of hearings on the bill. Modifications of the provisions made by the House and the consideration of additional projects were developed before the committee. The committee reported the bill to the Senate on October 7, 1949; and shortly thereafter the Senate passed the bill, including all but a few of the provisions reported by the committee.

Before reporting the bill, the committee considered the multiple-purpose program for the Columbia River Basin, involving flood control, navigation, power, and irrigation projects. The Committee on Public Works considered all those projects; but inasmuch as irrigation matters fall within the jurisdiction of the Committee on Interior and Insular Affairs, the Committee on Public Works reached a decision to act only with respect to the flood-control, navigation, and power projects.

At the informal request of the chairman of the Committee on Interior and Insular Affairs, it was agreed that that committee would consider the irrigation projects and subsequently would offer, on the floor of the Senate, an amendment covering their recommendations with respect to the irrigation projects.

The Committee on Public Works has been most tolerant and extremely patient in connection with this matter. Nevertheless, we think this bill should be considered. Since the Committee on Interior and Insular Affairs was not able to conclude its consideration of the irrigation projects during the last session, the bill was held over until the present session, the second session of the Eighty-first Congress. We have now been in session approximately 6 weeks. The Committee on Interior and Insular Affairs has recently been holding further hearings on the irrigation projects, but has not yet arrived at any conclusion regarding them. Over 4 months have now elapsed since the Committee on Public Works reported the bill to the Senate, but the Committee on Interior and Insular



Affairs has not yet completed its action on the irrigation projects.

We wish to give the Committee on Interior and Insular Affairs as much time as possible, and as much time as is sound, to consider those matters. But there is no reason whatever why a bill that is being considered and handled by the Public Works Committee of the Senate should be delayed any longer. I hope the majority leader and the chairman of the Committee on Interior and Insular Affairs can now give us some information as to when the Senate may be able to take up the bill, which is so important to every one of the 48 States of the Union. I wonder whether we can get information from the majority leader on when we may expect action.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. O'MAHONEY. The Committee on Interior and Insular Affairs has been holding almost daily sessions for more than a week considering certain amendments recommended by the Bureau of the Budget with respect to reclamation features which Members of the Senate desire to have considered in connection with the bill.

Mr. CHAVEZ. May I interrupt the Senator a moment?

Mr. O'MAHONEY. Certainly.

Mr. CHAVEZ. They referred, did they not, to the Columbia River Basin?

Mr. O'MAHONEY. The amendments to which I refer, and to which the Committee on Interior and Insular Affairs is now giving its attention, relate to the Columbia River Basin project.

Mr. CHAVEZ. Does the Senator from Wyoming know that at this moment the bill has been completed entirely by the Senate committee, excepting only the matters which the Senator's committee is now considering?

Mr. O'MAHONEY. The Senator from Wyoming is perfectly well aware of that. The Senator from New Mexico was very indulgent at the last session of the Congress, when his bill was placed upon the calendar. We had an exchange on the floor at that time in which, as I recall, it was agreed that opportunity would be extended to Senators who desired to include these reclamation features to offer the amendments. It has been necessary, however, because of the great interest among the people of the Northwest, to await reports from various organizations and from State and local governments in the Northwest. This morning the last of the reports were received. I am hoping that the hearings upon the bill may be concluded tomorrow, and that thereafter, very quickly and as expeditiously as the chairman can bring it about, the committee will reach its conclusion as to what amendments should be offered.

Mr. CHAVEZ. I wish to make one further observation. The Committee on Public Works of the Senate met this morning, and I may say in all sincerity they have been extremely annoyed that a bill which comes under the jurisdiction of the Public Works Committee should be delayed to such an extent. They do not mind a request for tolerance, they do not mind a desire for patience, they

do not mind fair play, they do not mind fine gestures and consideration on the part of other committees, but we do feel that the bill should be passed. It is a Senate bill.

Mr. President, the jurisdiction of the Public Works Committee goes to matters pertaining to rivers and navigation, flood control, public roads, and public buildings. The fact that we now have in the bill irrigation or reclamation matters is only incidental to the fact that the Committee on Public Works has jurisdiction over the bill. The fact that reclamation comes into the picture is only because the Reorganization Act provides that, where there are several multiple-purpose matters, the committee having the superior interest in the whole purpose shall have jurisdiction. We do not handle anything with reference to reclamation as such. The only reason for our handling reclamation is because certain of the navigation and flood-control projects which are being considered also involve reclamation within the area of the projects. My committee is becoming rather impatient. I hope that both the leadership and other committees also will have some consideration for our committee.

Mr. O'MAHONEY. Mr. President, I may say I also hope that all members of the Committee on Public Works will have consideration for Members of the Senate who may desire to propose amendments to the bill. We are endeavoring, to the very best of our ability, to examine and report upon amendments which have been suggested by the Bureau of the Budget and the Bureau of Reclamation, which are very important—very important to the great northwestern area of the United States; and I am quite sure the Committee on Public Works will continue to show the spirit of cooperation which the Senator from New Mexico has already shown.

Mr. CHAVEZ. We want to show that spirit of cooperation, but I insist, I may say to the Senate, we are not going to let any other committee legislate for the Committee on Public Works.

Mr. LUCAS subsequently said: Mr. President, with respect to the colloquy between the distinguished Senator from New Mexico [Mr. CHAVEZ] and the distinguished Senator from Wyoming [Mr. O'MAHONEY] with reference to House bill 5472, which is known as the flood-control bill, I should like to say that that bill has been on the calendar for a long time, and it is the hope of the majority leader that the distinguished Senator from Wyoming will conclude the hearings as rapidly as may be possible in order that he may be in position to offer any amendments to the bill which may be deemed advisable in protecting the interests of the Northwest. I hope we may reach consideration of the bill within a very short time, because the members of the Committee on Public Works are crowding the Senator from Illinois, and I am sure the Senator from Wyoming will cooperate with me in the matter.

Mr. O'MAHONEY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. O'MAHONEY. The Senator from Wyoming is happy to cooperate, and the committee has been cooperating. The

amendments which have been recommended by the Bureau of the Budget and sustained by the Secretary of the Interior have been transmitted to the committee only toward the end of the month of January and at the beginning of this month. I do not want anyone, on reading the RECORD, to gain the idea that the Committee on Interior and Insular Affairs has not been diligently working upon the measure, because it has been. The amendments were considered as soon as they were received, and there have been almost daily sessions of the committee with reference to them.

#### CONSERVATION OF WILDLIFE IN THE UNITED STATES

Mr. ROBERTSON. Mr. President, I ask unanimous consent to proceed for 1 minute, to make an announcement.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. ROBERTSON. Mr. President, yesterday, and again today, I assisted the distinguished junior Senator from Rhode Island in conducting the annual hearings of the Subcommittee on Wildlife of the Senate Committee on Expenditures in the Executive Departments. Those hearings will be available within about 2 weeks, and will be mailed to every Member of the Senate. I hope all my distinguished colleagues will read the hearings, because they deal with a great natural resource. They refer to the fact that there are 28,000,000 sportsmen in this Nation who buy hunting and fishing licenses and who distribute annually about \$4,000,000,000, to say nothing of the contribution made by this type of outdoor life to a happy and contented citizenry.

Mr. President, during the course of the hearings yesterday, I referred to a friend in Germany who shot a deer on the land of a farmer with whom he was hunting. The deer fell over the fence on adjoining land, and the German farmer refused to retrieve it, "Because," as he said, "in Germany we do not trespass upon the property of others." There were also witnesses who told us that last year about 25,000,000 ducks had been killed legally and illegally, of a total of possibly 50,000,000.

The distinguished chairman of the subcommittee, the junior Senator from Rhode Island, returned to his home with these problems upon his mind. When he went to sleep, he had a dream, and, although he had never shot a gun in his life, he dreamed he was in a duck blind in Rhode Island when a cloud of ducks came over. He dreamed that he shot into the middle of the flock, killing a duck, which, to his dismay, fell in Massachusetts. Being a law-abiding citizen of Rhode Island, he could not trespass in Massachusetts, and he was unable, therefore, to recover the first and only duck he ever killed. [Laughter.]

#### FACILITATION AND SIMPLIFICATION OF THE WORK OF THE FOREST SERVICE

Mr. LUCAS. Mr. President, I move that the unfinished business be temporarily laid aside and that the Senate proceed to the consideration of Calendar No. 1082, House bill 5839.

The PRESIDING OFFICER (Mr. WITHERS in the chair). The clerk will



state the bill by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

Mr. WHERRY. Mr. President, will the Senator yield?

Mr. LUCAS. I yield.

Mr. WHERRY. Is this one of the bills listed for consideration at the time the statement was made by the majority leader last week as to what was expected to come before the Senate?

Mr. LUCAS. The Senator is correct.

The PRESIDING OFFICER. The question is on agreeing to the motion of the senior Senator from Illinois.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes.

Mr. THOMAS of Oklahoma. Mr. President, the bill before the Senate is House bill 5839, to facilitate and simplify the work of the Forest Service, and for other purposes. The facts are that the Forest Service is a bureau has plenty of laws for its guidance. These laws, as a rule, were passed in the form of amendments, many of them to appropriation bills. The Department recommends that the Congress codify the laws pertaining to the Forest Service, and it has submitted the bill now pending for the consideration of the Congress.

The bill was before the Eightieth Congress for consideration. The appropriate committee held extensive hearings on the recommendations of the Department, and reported the bill, which was later passed by the House. It came to this body, but for some reason it was not acted on by the Senate during the Eightieth Congress. In the Eighty-first Congress the House again considered the bill, passed it, and sent it to the Senate, and the Senate now has before it House bill 5839.

When the bill reached the Committee on Agriculture and Forestry, a subcommittee was appointed to consider it and to make recommendations. The chairman of the subcommittee was the distinguished senior Senator from Minnesota [Mr. THYE]. Hearings were held, and a report was submitted, but the subcommittee did not see fit to offer any amendment to the bill. Therefore, the bill we have before us today for consideration is the bill in the same form in which it passed the House of Representatives.

I am advised that after the bill was reported and placed on the calendar the distinguished Senator from Wyoming [Mr. O'MAHONEY] considered the measure and found that for the benefit of the Forest Service, in his opinion, some amendments to the bill were needed. I am also advised that those amendments are pending, that the chairman of the subcommittee of the Committee on Agriculture and Forestry was consulted, and that the subcommittee is in agreement with the amendments to be submitted by the Senator from Wyoming.

Mr. O'MAHONEY. Mr. President, when this bill was reached upon the call of the calendar during the first session of the Eighty-first Congress, I was one of those who made objection to its passage at that time by unanimous consent, because a reading of the bill convinced me that some perfecting amendments and some additional amendments should be made. I had conversations with the able senior Senator from Minnesota [Mr. THYE] at that time, and it was agreed that amendments should be worked out during the recess of the Congress.

During the recess, Mr. President, the matters were considered broadly by grazing users of the forests and by the Forest Service itself. I arranged for a conference between the chief of the Forest Service and his staff, and committees of the grazing users of the national forests, with the thought that they could work out, between them, amendments upon which there would be agreement. I participated in conferences with the head of the Forest Service. I advised the Senator from Minnesota of the progress of all these negotiations, and placed in his hands copies of the amendments to be proposed.

I am now in receipt of a letter from the senior Senator from Minnesota, dated February 14, in which he expresses my understanding, namely, that the amendments which I am about to propose meet his agreement, and also meet the agreement of the Forest Service. I ask unanimous consent that the full text of the letter be printed in the RECORD at this point.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
COMMITTEE ON AGRICULTURE  
AND FORESTRY,  
Washington, D. C., February 14, 1950.  
The Honorable JOSEPH C. O'MAHONEY,  
United States Senate,  
Washington, D. C.

DEAR SENATOR O'MAHONEY: Since I am author of a companion bill in the Senate and also designated by the Senate Committee on Agriculture and Forestry to report H. R. 5839, I regret that I am unable to be present at the session of the Senate on Tuesday, February 14, when this measure will be under consideration.

I am writing to you at this time to say that I believe this measure to facilitate and simplify the work of the Forest Service will make it possible for that service to carry out its functions more effectively and efficiently. As indicated in the report of the committee, the changes and improvements in the law relating to the Forest Service which are proposed in this bill are the outgrowth of cumulative experience of the service and are based upon careful study.

I wish also to say, as I stated on the floor of the Senate on February 1, that I have no objection to the amendments which you have offered to this bill. I have been advised by the Forest Service that that agency desires to interpose no objection to these amendments.

I hope the Senate will act favorably upon H. R. 5839 with the amendments which you have proposed.

Sincerely yours,

EDWARD J. THYE,  
United States Senator.

Mr. O'MAHONEY. Mr. President, in his letter, the Senator from Minnesota says, among other things:

I have been advised by the Forest Service that that agency desires to interpose no objection to these amendments.

Mr. President, when this same bill was reached upon the call of the calendar at this session of the Eighty-first Congress, the Senator from Utah [Mr. WATKINS] interposed an objection, and the bill went over. His objection has now been removed, and I have a letter from the office of the Senator from Utah expressing withdrawal of his objection. I ask that this letter may also appear in the body of the RECORD.

The PRESIDING OFFICER. Is there objection?

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

UNITED STATES SENATE,  
Washington, D. C., February 13, 1950.  
Senator JOSEPH C. O'MAHONEY,  
Senate Office Building,  
Washington, D. C.

DEAR SENATOR: I wish to take this opportunity to clarify my position on the omnibus forest bill, H. R. 5839.

As you know, I objected to this bill when it was called on the calendar last February 1. You will recall that it was proposed for passage, as amended, the previous day. I had had no opportunity whatever to study the amendments and I could not, with a clear conscience, vote on something I knew nothing about. Further, I had promised my constituents in Utah that they would have an opportunity to analyze any amendments to this bill and give me their opinions of them before any action was taken. Therefore, when the amendments were introduced one day and the bill called on the next day, my constituents in Utah knew nothing of their terms and I was under obligation to give them the opportunity I had promised.

Since that time, I have had an opportunity to go over the amendments and have received notification from Utah that they have had an opportunity there to analyze them. I am happy to tell you that I will support the bill and the amendments when the legislation is again called on the calendar.

Sincerely yours,

ARTHUR V. WATKINS.

Mr. O'MAHONEY. Mr. President, the first amendment I wish to offer is amendment lettered "E," which proposes to insert a new section at the end of the bill. This section provides for the establishment of local advisory boards in the various forests of the Nation.

On page 2 of the amendment as printed, in line 17, appears the word "may," in the following sentence:

In addition a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

Some question have been directed to me as to whether the word should be "may" or "shall." The amendment was drawn with the word "may" in it, because, as a reading of the sentence indicates, the appointment of such persons will be dependent upon the action of the various State game commissions, and it was not desired to control action by the State commissions if the State commissions



did not intend to act, but if the State commissions do act, it is my understanding that the persons so recommended shall be appointed. So I believe no change is required in that respect.

Mr. President, with this explanation, I hope that the first amendment may be agreed to.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to insert a new section at the end of the bill, as follows:

Sec. . (a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than 3 nor more than 12 members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least 30 days prior to the issuance by the Secretary of Agriculture of any regulation under this act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regulation, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of

this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. WHERRY. Mr. President, my attention was diverted. Has the amendment been agreed to?

The PRESIDING OFFICER. The amendment has been agreed to.

Mr. WHERRY. Which amendment was that?

Mr. O'MAHONEY. It is the amendment setting up local advisory boards.

The PRESIDING OFFICER. It is the amendment lettered "E."

Mr. WHERRY. Mr. President, I should like to ask the Senator from Wyoming whether or not the junior Senator from Colorado [Mr. MILLIKIN] has been advised of all these amendments.

Mr. O'MAHONEY. Yes, Mr. President; I think every one interested has been advised.

Mr. WHERRY. I understood that at one time, before the amendments were offered, the Senator from Colorado wanted to make some suggestions as to amending the bill.

Mr. O'MAHONEY. I understand the point of view of the Senator from Colorado is exactly the same as my own, and that he is satisfied with the amendments.

Mr. WHERRY. I thank the Senator, and I shall not ask for a reconsideration of the vote by which the first amendment was just agreed to.

Mr. O'MAHONEY. Mr. President, I now offer amendment lettered "D," which proposes a new section to be inserted at the end of the bill, which would authorize the Secretary to issue 10-year grazing permits.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. It is proposed to add a new section at the end of the bill, to read as follows:

Sec. . The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding 10 years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I now offer amendment lettered "C." This is a substitute for section 12 of the bill. The amendment is to come on page 9,

beginning with line 11, to strike out through line 9, on page 10, and insert in lieu thereof certain language.

The PRESIDING OFFICER. The clerk will state the amendment.

The LEGISLATIVE CLERK. On page 9, beginning with line 11, it is proposed to strike out through line 9 on page 10, and to insert in lieu thereof the following:

SEC. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. O'MAHONEY. Mr. President, I now offer the amendments lettered "F." This is a series of technical amendments which change words. For example, the words "Forest Service" are stricken out and the words "Secretary of Agriculture" are inserted in lieu thereof. On page 3, line 25, after the word "cost", it is proposed to strike out the words "or the depositor's share thereof," and to insert "of the work to be done for the benefit of the depositor."

The PRESIDING OFFICER. The amendments will be stated.

The LEGISLATIVE CLERK. It is proposed to amend the bill on page 3, line 18, after the word "The", to strike the words "Forest Service" and insert, "Secretary of Agriculture."

On page 3, line 25, after the word "cost", to strike the words "or the depositor's share thereof" and insert "of the work to be done for the benefit of the depositor."

On page 5, line 5, after the word "cost", to insert the words "and the funds received as reimbursement."

On page 6, line 3, after the word "required", to insert the words "by the Secretary of Agriculture."

On page 8, line 12, after the word "is", to insert the words "determined by the Secretary of Agriculture to be."

On page 8, line 17, after the word "the", to strike the words "Forest Service" and insert the words "Secretary of Agriculture."

On page 8, line 21, to strike the words "other than national forest lands" and insert the words "(other than national forest lands)."

Mr. O'MAHONEY. Mr. President, since these are merely technical amendments, to which there is no objection, I ask unanimous consent that the amendments may be considered en bloc.



The PRESIDING OFFICER. Is there objection to the consideration of the amendments en bloc? The Chair hears none, and it is so ordered.

Mr. WHERRY. Mr. President, before the amendments are agreed to, I should like to ask the distinguished Senator from Wyoming a question, since I was not on the floor of the Senate during all his able presentation of the amendments. It is my understanding that the Senator from Minnesota [Mr. THYE], the Senator from Utah [Mr. WATKINS], and the Senator from Colorado [Mr. MILLIKIN] are agreeable to all the amendments. They attended the hearings, and the Senator knows that they feel that the amendments should be agreed to; does he?

Mr. O'MAHONEY. The Senator is quite correct. I have made a part of the record letters which I have received from the Senator from Minnesota [Mr. THYE] and the Senator from Utah [Mr. WATKINS], and in response to the Senator from Nebraska I have expressed my belief that the Senator from Colorado [Mr. MILLIKIN] is satisfied.

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to en bloc.

Mr. THOMAS of Utah. Mr. President, at this time I should like to call to the attention of the Senate the fact that the working out of these amendments, and arriving at an agreement on the part of all parties, is very satisfactory, and a very happy solution of the questions involved, so far as the people in my State and in the West generally are concerned. I therefore ask that an editorial from the Salt Lake Tribune be made a part of the RECORD at this point. It commends all those who have taken part in perfecting the legislation.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AGREEMENT OF STOCKMEN AND FOREST OFFICIALS  
ON RANGE PROGRAM PRESAGES BETTER DAYS

There is good news today, too.

Heralding better relations between the United States Forest Service and organized stockmen, compromise legislation has been worked out to improve grazing conditions and administration of national forests. Agreements have been reached on some controversial points in the omnibus forest bill (H. R. 5839), sponsored by Congressman GRANGER, of Utah. The original measure was passed by the House of Representatives last August, but was tied up in the Senate after stockmen objected.

With some 4,000,000 acres of forest ranges in need of rehabilitation, a spirit of cooperation which would remove the roadblocks to such improvements would be a great boon to the region. It would remove a sore which could fester to damage seriously basic western industries.

Compromises worked out with the help of Senator O'MAHONEY, of Wyoming, have been accepted generally by forest officials and leaders of various cattle and sheep associations. (Active in the conference was J. M. Jones, of Salt Lake City, executive secretary of the National Wool Growers' Association, and other prominent leaders of stockmen's associations.) Better understanding and enlightenment—giving a green light to rebuilding barren watersheds—would greatly benefit the livestock industry and hundreds of commu-

nities depending upon the mountain areas for water.

A Board of Appeals is established to advise the Secretary of Agriculture on appeals from decisions of the Chief of the Forest Service involving public use of the forests. The Board is to comprise five persons in agencies within the Agriculture Department, excluding the Forest Service. The Board would consider each appeal on its merits and make recommendations to the Secretary.

After the stockmen-Forest Service conferences Senator O'MAHONEY introduced three amendments to the Granger bill, which are aimed to facilitate and simplify the work of the Forest Service. They are:

1. A substitution for controversial section 12 of the bill (which was fought by the stockmen), providing that 2 cents per head of sheep and 10 cents per head of other livestock per animal month of the grazing fees should be used for range improvements, when appropriated by Congress. Funds would go for artificial revegetation, purchase of seed, construction and maintenance of fences, bridges, corrals, driveways, other range improvements, control of rodents, and eradication of poisonous plants.

2. A provision for election by permittees of local advisory boards for each national forest, when requested by a majority of the permittees. A representative of wildlife interests might be named to the boards by the State game commission. The advisory boards would make recommendations concerning terms, renewals, and reductions of grazing permits or establishing or modifying allotments. If the Secretary of Agriculture did not follow the recommendations, he would be required to furnish the local advisory board of his reasons in writing. The boards would be notified at least 30 days in advance of any changes in regulations or policy and given a chance to make recommendations.

3. A section authorizing the Secretary of Agriculture to issue grazing permits and renewals for permits not exceeding 10 years. This is hailed by stockmen as a recognition of grazing as one of the basic uses of forest land. It permits the Agriculture Department to open the question of permit renewals at 10-year intervals.

The omnibus bill, with the O'Mahoney amendments, would result in no radical departures in forest management, but would formalize, and in some cases remove, any question of legality in present procedures. It would recognize formally the advisory boards, though final authority would still rest with the Department of Agriculture.

As expressed by Senator O'MAHONEY, the conference between Chief Lyle F. Watts and Assistant Chief Granger of the Forest Service and the committee of stockmen "have formed a pattern of cooperation . . . which augurs well for the future."

The PRESIDING OFFICER. The bill is open to further amendment. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

The PRESIDING OFFICER. The question now is on the passage of the bill.

The bill (H. R. 5839) was passed.

Mr. THOMAS of Oklahoma. I move that the Senate insist on its amendments, request a conference with the House thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. ELLENDER,

Mr. HOEY, Mr. HOLLAND, Mr. AIKEN, and Mr. THYE conferees on the part of the Senate.

Mr. O'MAHONEY. Mr. President, I should add, now that the bill has been passed, that in addition to the amendments which have been agreed to, the Forest Service recommended, and the Secretary of Agriculture signed an order under the authority which he has under existing law, establishing a National Advisory Board of Appeals, to which permittees who may be dissatisfied may, upon written application, carry their appeals for consideration by the Board and for recommendation to the Secretary.

I ask unanimous consent that there be printed in the RECORD at this point a statement which I issued on January 31, 1950, explaining the amendments which have just been adopted and the manner in which they were developed.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Following conferences with Forest Service officials and representatives of livestock interests using the national forests for grazing purposes, which started during the closing weeks of the first session of the Eighty-first Congress and continued during the recess and early weeks of the second session, a program designed to improve grazing conditions and administration of the national forests has been agreed upon.

First is the establishment by Executive order, printed in the Federal Register of January 25, 1950, of a National Forest Advisory Board of Appeals to advise the Secretary of Agriculture on appeals to him from the decisions of the Chief of the Forest Service involving any public use of the national forests. This Board shall be comprised of five members from any agencies within the Department of Agriculture except the Forest Service. It will be the duty of this Board to consider each appeal on its merits and furnish its advice and recommendations to the Secretary.

Conferences which I arranged last week between the Forest Service and a committee of stockmen representing cattle and sheep permittees, I am happy to say, have resulted in agreement on three additional important proposals, which I introduced today as amendments to H. R. 5839, the Granger bill, to facilitate and simplify the work of the Forest Service.

The first amendment is a substitution for section 12 of the above bill and provides that, of the grazing fees collected in each national forest, 2 cents per animal month for sheep and 10 cents per animal month for other kinds of livestock, when appropriated by Congress, shall be available for range improvements in such forest, such as artificial revegetation, the collection and purchase of seed, construction or maintenance of drift or division fences, bridges, corrals, driveways, and other range improvement, and the control of rodents and the eradication of poisonous plants, to protect and improve the forest ranges.

The second amendment proposes a new section to the bill which establishes a local advisory board of not less than 3 nor more than 12 permittees for each national forest or administrative subdivision thereof when requested by a majority of the grazing permittees. This amendment uses the identical language proposed in a bill, S. 33 of the Eightieth Congress, by Senator MCCARRAN, of Nevada, to establish local advisory boards to provide national forest grazing permittees a means for the expression of their recommendations. These boards are to be elected by the permittees and recognized by the Secre-



tary of Agriculture as representing the grazing permittees of the national forest for which they are elected. A wildlife representative may also be appointed to such board by the State game commission to advise on wildlife problems. These boards are to meet at least once a year at a time fixed by the boards, and at other times determined by the members, or on call of the chairman, or of the Secretary of Agriculture. On the request of any affected party, the Secretary shall refer to these advisory boards for advice and recommendations concerning terms, renewals, and reductions in a grazing permit or the establishment or modification of an individual or community allotment. If the Secretary of Agriculture does not follow such recommendations, he would be required to furnish the local advisory board, in writing, with his reasons. At least 30 days prior to the issuance of any regulation by the Secretary of Agriculture concerning administration of grazing on national forests which modify existing policy or affect the preference of a permittee in the area, the local board for such area will be notified of the intention to take such action and be called upon for recommendations, and these boards may also at any time make recommendations to the Secretary concerning the administration of grazing, seasons of use, grazing capacity, and similar matters in their area.

The third amendment which I introduced authorizes the Secretary of Agriculture to issue grazing permits and renewals for periods not exceeding 10 years.

I feel that the conferences between Chief Lyle F. Watts and Assistant Chief C. M. Granger, on behalf of the Forest Service, and the committee of stockmen have been most successful. They have formed a pattern of cooperation between the Forest Service and the livestock industry which augurs well for the future.

J. B. Wilson, secretary, Wyoming Wool Growers Association; F. E. Mollin, secretary, American National Live Stock Association; Vernon Metcalf, Nevada; J. M. Jones, secretary, National Wool Growers Association; Floyd Beach, permittee, Uncompahgre Forest, Colo.; Clarence Currey, permittee, Roosevelt Forest, Colo.; Everett Shuey, secretary, Montana Wool Growers Association; Louis Horrell, chairman, Joint Livestock Committee; Frank Mockler, cattle permittee, Wyoming; Radford Hall, assistant secretary, American National Live Stock Association; and John Noh, chairman, forestry committee, National Wool Growers Association, were among the members of the livestock committee who have been working diligently upon this matter here in Washington for the past 2 weeks. I feel that they have done an excellent piece of work.

#### INTERNATIONAL CLAIMS SETTLEMENT ACT OF 1949

Mr. GREEN. Mr. President, in accordance with the statement made by the majority leader at the last session, which was held on Friday of last week, that the next business to be taken up, after the passage of House bill 5839, which has just been acted upon, would be House bill 4406, Calendar No. 810, I now move that the Senate proceed to the consideration of House bill 4406.

Mr. WHERRY. Mr. President, does the distinguished Senator from Rhode Island feel that a quorum call is necessary?

Mr. GREEN. I do not think so. The objections which have been voiced heretofore have been overcome. I am sure no objection will be made to the consideration and passage of the bill.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Rhode Island.

The motion was agreed to; and the Senate proceeded to consider the bill (H. R. 4406) to provide for the settlement of certain claims of the Government of the United States on its own behalf and on behalf of American nationals against foreign governments, which had been reported from the Committee on Foreign Relations with amendments.

Mr. GREEN. Mr. President, House bill 4406 came over from the House, and was referred, together with a similar bill, to the Committee on Foreign Relations. A subcommittee of the Committee on Foreign Relations was appointed to consider the bill, and hearings were held. Finally, after being considered at several meetings, it was unanimously voted to report the bill favorably, with certain minor amendments. It now comes before the Senate for action. The bill was reported by me on July 28, 1949, by direction of the Foreign Relations Committee.

Mr. President, the immediate purpose of the bill is to provide for the distribution of a fund provided by the Yugoslav Government for claimants against that government, by reason of the taking in various ways of property of American citizens. A bloc sum of \$17,000,000 was agreed upon, and that sum has been ready since the time the fund was established, for distribution among the American claimants.

The bill sets up a commission of three, a commission similar to one which was set up in 1942 for the handling of claims by American citizens against Mexico. The bill not only sets up a commission to deal with the particular settlements of American claimants against Yugoslavia, but it further provides that similar action may be taken in regard to claims arising out of World War II, and which may be made in the future by American citizens against other governments which are not enemy States.

Mr. President, the \$17,000,000 in question, or so much of it as can be proved to be due to American claimants, is greatly needed. I have received some pathetic letters from Americans practically all of whose property had been taken in one way or another, or, to use a more desirable term, lost in one way or another in the tragic days of the setting up of a new government in Yugoslavia.

Mr. WHERRY. Mr. President, will the Senator yield for a question at this time, or would the Senator rather proceed with his statement now, and yield for questions later?

Mr. GREEN. I am glad to yield to the Senator now.

Mr. WHERRY. May I ask the distinguished Senator from Rhode Island why the claims provided for in the bill are limited to claims by American citizens against Yugoslavia?

Mr. GREEN. They are not. The commission is set up to deal with claims of Americans against other countries which are not enemy countries.

Mr. WHERRY. Then why does there appear in line 21 on page 2 of the bill the expression "the term 'Yugoslav Claims Agreement of 1948'?"

Mr. GREEN. Because a claims agreement has been reached with that one country. Similar agreements are being negotiated with other countries. It is

necessary to have such a commission set up to take care of claims by American citizens against other nonenemy countries.

Mr. WHERRY. Will the claims considered by such a commission include claims made by German nationals to whom the United States may owe money which may have been impounded by the Alien Property Custodian? Let us assume that the beneficiary of such a German nationalist may be an American boy whose mother lives in Germany. Does the bill include in its terms the right for such an American boy, or his German mother, to set up a claim against the United States Government?

Mr. GREEN. No. The bill has simply to do with claims against friendly governments.

Mr. WHERRY. It does not apply to individuals?

Mr. GREEN. Well, yes; individual claims against the Yugoslav Government, or against any other friendly government.

Mr. WHERRY. I understand the bill applies to claims against friendly governments, and that it would not extend to citizens of Germany, because Germany was an enemy government in World War II, as well as World War I. But let us consider the case of a lad of German descent, who fought in the forces of the United States, and who at the time of the war was a citizen of the United States, but whose mother may live in Germany. Is any opportunity afforded under the proposed legislation for recovery in such a case?

Mr. GREEN. The settlement is a bloc settlement. In other words, it provides for a lump sum, that amount to cover all American citizens who have filed claims against Yugoslavia, or may file claims against Yugoslavia.

Mr. WHERRY. I understand that, I will say to the Senator. I shall give the reason for my question. Recently several Senators joined in introducing a bill which dealt, as does the bill sponsored by the Senator from Rhode Island, with claims by American citizens against friendly countries; but included in the proposed legislation was the proposal to take care of such a situation as I have just inquired about of the Senator from Rhode Island. I wonder why it would not be possible to offer an amendment at this time to include other American citizens who it seems to me, are entitled to money which has been impounded by the Alien Property Custodian, but which belongs to persons who live in countries which are not friendly countries. That is the point I was raising, and I think it a very important point. I fully understand the point made by the Senator respecting claims against friendly countries. But why should we not consider as well other claims by American citizens for money which has been impounded by the Alien Property Custodian, who now is in control of that money?

Mr. GREEN. The Yugoslav claims agreement does not include claims against any other countries. It provides for a bloc settlement, and the United States undertakes to devote the money provided by that settlement to payments







bor Relations Act compels the employer to bargain with that particular labor union.

Now the employer is also faced with an FEPC bill which subjects him to criminal penalties if he deals with a union that discriminates on grounds of race, color, religion, or national origin. Let us further assume that the particular union that the National Labor Relations Board has compelled him to recognize and deal with is discriminating against individuals because of their race, color, religion, or national origin.

The employer is in this position: If he deals with that labor union, he will be punished under the FEPC law. If he does not deal with that union, he will be punished under the National Labor Relations Act. Under such conditions, the employer is compelled to violate either the National Labor Relations Act or the FEPC law, regardless of any good motives or desire she may have to abide by the terms of both. He is whipsawed.

Up to now I have been discussing an employer with the highest of motives. Let us assume in another illustration that we have an employer who wishes to use any possible excuse to avoid bargaining with the union. Such an employer may refuse to bargain with a labor union on the excuse that the union discriminates on the basis of race, color, religion, or national origin, and that such discrimination on the part of the union excuses him from bargaining further on the theory that continued bargaining with such a union is a violation of the FEPC law and that, under such circumstances, the National Labor Relations Board cannot punish him for a refusal to bargain.

Even if such an argument on the part of the employer might not be valid and might not be sustained in any hearing before the National Labor Relations Board, I think all of us will agree that the National Labor Relations Board would be much more lenient in its punishment of any such employer because the argument the employer presented—at least taking it at face value—was a justifiable excuse for refusing to bargain. Any lawyer can appreciate the great weight such a defense would be in mitigation of an employer's refusal to bargain.

Such a situation is, of course, extremely detrimental to the best interests of employees and the labor unions that represent employees. It tends to defeat the bargaining relationship and places the employees and the labor unions representing them at a tremendous disadvantage. An employer who wanted to take advantage of such a situation to avoid bargaining could easily find one or more employees who would claim the union had discriminated—and that would give the employer his excuse for refusing to bargain on the theory that bargaining would subject him to punishment under the FEPC law.

The situation could easily be disruptive to bargaining conditions throughout the Nation. It could work to the detriment of the employer, the employees and the general public. If many employers seized

upon the excuse outlined above, it could well cause chaos in the industry of America.

It seems to me that if the amendment I have suggested is added to section 5 (a) of the Powell FEPC bill so that—as far as the point we are discussing is concerned—that section would read substantially as follows:

It shall be an unlawful employment practice for an employer to utilize any labor organization which discriminates against individuals because of their race, color, religion, or national origin—

Then adding my amendment—

*Provided*, That no employer shall be penalized under this act for utilizing in good faith any labor organization that has been duly certified and is acting as bargaining representative or agent under the terms of the National Labor Relations Act, as amended.

That amendment does not change the FEPC law in any way, but merely tries to do this: First, protect an employer, who is in good faith, from being placed in a situation where he cannot avoid being punished by either the FEPC law or the National Labor Relations Act, no matter how much he tries to live up to the terms of both; second, protect the labor union and the employees by insuring that the FEPC law is not going to disrupt the bargaining relationship with the employer; third, protect the general public by not allowing the FEPC law to be used as a means of causing chaos in industry through disruption of the relationship between the bargaining representatives of labor and management.

It seems to me that, whether you are for or against any FEPC law, you will be in favor of such an amendment. If the principle of FEPC legislation is good, this amendment in my opinion improves such legislation. If the principle of FEPC legislation is bad, this amendment in my opinion makes such legislation less bad.

If your interests lie with the employer, you should want to protect the employer from being placed in a position of double jeopardy.

If your interests lie with employees or labor unions, you should want to protect them from anything that decreases their bargaining power.

If you are interested in the welfare of the general public, I believe you will want the amendment for the protection that it is intended to give the general public from any industrial unrest.

Before offering the amendment discussed above, I took it up with members of the Labor Committee in charge of the FEPC legislation. While they must speak for themselves of course, I am of the belief that they intended to support my amendment. I also discussed the amendment with several Members on both the Republican and Democratic side and they felt it should be included in any FEPC legislation. Some of those Members were in favor of FEPC, some were against—but they all favored the suggested amendment.

I have outlined the above in the hope that it may be of some possible help to those who will be considering FEPC legislation from now on.

#### FOREST SERVICE

Mr. COOLEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina? [After a pause]. The Chair hears none, and appoints the following conferees: Messrs. COOLEY, FACE, GRANGER, HOPE, and AUGUST H. ANDRESEN.

#### CORRECTION OF VOTE

Mr. SASSCER. Mr. Speaker, on yesterday, on roll call No. 62, I was recorded as voting in the negative. I was present and voted in the affirmative. I ask unanimous consent that the Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Maryland?

There was no objection.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. SIKES. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Florida?

There was no objection.

#### DEBATE ON FEPC BILL

Mr. SIKES. Mr. Speaker, may I call the attention of the House to a matter that may not generally have been noticed. On yesterday and last night throughout that long and hard battle over FEPC there was very little of bitterness, very little of personal animosity, injected into the debate. It was a hard-fought battle, but it was marked with good humor and good sportsmanship. I think the House can well be proud of the way it conducted itself on that occasion.

#### SPECIAL ORDER VACATED

Mr. KEEFE asked and was given permission to vacate the special order granted him to address the House for 1 hour on Monday next.

#### CORRECTION OF ROLL CALLS

Mr. WILSON of Indiana. Mr. Speaker, on roll call No. 52 I am not recorded as having voted. I was present and voted "aye." On yesterday on roll call No. 57 I am recorded as being absent. I was present and answered to my name.

I ask unanimous consent that the Record and Journal be corrected in both instances.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

#### EXTENSION OF REMARKS

Mr. GAMBLE asked and was given permission to extend his remarks in the Record and include an editorial from the New York Herald Tribune of Wednesday.



day, February 22, entitled "Middle Income Housing."

Mr. LEFEVRE asked and was given permission to extend his remarks in the RECORD and include an article by Mark Sullivan.

Mr. HOPE asked and was given permission to extend his remarks in the RECORD and include a statement made by the Governor of Kansas, a former Member of the House, Hon. Frank Carlson, before the Committee on Ways and Means of the House with reference to percentage depletion on gas and oil production.

#### PERMISSION TO ADDRESS THE HOUSE

Mr. JAVITS. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

#### NATIONAL EMERGENCY SEIZURE ACT OF 1949

Mr. JAVITS. Mr. Speaker, the administration is said by the press to be waiting for a seizure bill to be introduced in order to deal with the bituminous coal emergency. I call their attention to the fact that as far back as June 6, 1949, I introduced H. R. 5006, the National Emergency Seizure Act of 1949, especially to take care of just such national emergencies as have now arisen.

The five major points in this bill are:

First. The property is not to be operated on a strike-breaking basis, but is to be operated by the Government only to the minimum extent required to preserve the public health or security.

Second. The employees—those who choose to remain on the job—are to be paid not less than prevailing wages in the area, and a special board is to consider the wage scales during Government control.

Third. The Government is to pay only just compensation for the value of its use of the seized property, and is not to operate for the account of the employer as if it were a going concern.

Fourth. The property is to be restored to its owner when normal labor relations have been restored.

Fifth. The President is given authority, not direction, and may act through an officer or department.

I call on the Committee on Education and Labor to immediately hold hearings on H. R. 5006 as this is a practical—and indeed liberal—plan for dealing immediately and realistically with the emergency created for the Nation by the coal strike.

It will be recalled that as far back as the original consideration of the Taft-Hartley law in 1947—which I was against—I offered amendments and argued for just such national seizure provisions as are contained in my bill. I was convinced then as I am now that the security of the Nation was paramount to all other considerations and that this security required residual power in the community to continue to operate in the event of labor difficulty of a national emergency character, and that a plan

for this purpose could be practicably effectuated which neither made men work by injunction or force, or immobilized the Government from action.

The SPEAKER. The time of the gentleman from New York has expired.

#### EXTENSION OF REMARKS

Mr. WOODRUFF asked and was given permission to extend his remarks in the RECORD and include certain resolutions.

Mr. JUDD asked and was given permission to extend his remarks in the RECORD in two instances, in each to include extraneous matter.

Mr. POULSON asked and was given permission to extend his remarks in the RECORD and include extraneous matter.

Mr. BENNETT of Michigan asked and was given permission to extend his remarks in the RECORD and include a radio speech.

Mr. HOEVEN asked and was given permission to extend his remarks at this point in the RECORD.

#### SURPLUS FOOD COMMODITIES

Mr. HOEVEN. Mr. Speaker, I am including a list of names and addresses of the several State offices in the Midwest who can approve applications by local boards of public welfare for surplus food commodities for distribution to needy people. This supplements the list submitted by the gentleman from Massachusetts [Mr. HESELTON], the gentleman from California [Mr. PHILLIPS], and the gentleman from Oregon [Mr. ANGELL].

#### SOUTHEAST

District of Columbia: H. A. Gardner, District of Columbia school-lunch program, 1640 Wisconsin Avenue NW., Washington, D. C.

West Virginia: W. Waggy, supervisor, State department of public welfare, State Capitol Building, Charleston, W. Va.

#### MIDWEST

Illinois: B. W. Cahill, State director, Illinois Public Aid Commission, 160 North La Salle Street, Chicago, Ill.

Indiana: R. H. Schweitzer, department of public welfare, 141 South Meridian Street, Indianapolis, Ind.

Iowa: C. W. Bangs, supervisor, department of public instruction, Des Moines, Iowa.

Michigan: R. J. Budd, department of administration, 415 State Office Building, Lansing, Mich.

Minnesota: A. R. Taylor, community school-lunch program division, 307-308 State Capitol, St. Paul, Minn.

Missouri: Handled by medical welfare office; O. F. Beyer.

Nebraska: O. F. Beyer, area supervisor, 623 South Wabash, Chicago, Ill.

Ohio: Carl Graves, department of public welfare, 1115 Atlas Building, 8 East Long Street, Columbus, Ohio.

Wisconsin: G. W. Gunderson, State department of public instruction, 147 North State Capitol, Madison, Wis.

#### SOUTHWEST

Kansas: Frank Long and E. S. Eachran, State department of social welfare, 801 Harrison Street, Topeka, Kans.

Oklahoma: Jay Lee, administrator, State board public welfare, State Capitol, Oklahoma City, Okla.

#### EXTENSION OF REMARKS

Mr. STOCKMAN asked and was given permission to extend his remarks in the RECORD and include an article.

Mr. FELLOWS asked and was given permission to extend his remarks at this point in the RECORD.

#### FEPC LEGISLATION

Mr. FELLOWS. Mr. Speaker, the Federal Fair Employment Practice Act makes the right to employment without discrimination a Federal right. Makes it an unlawful employment practice: First, for an employer of more than 50 persons to discriminate in employment, because of race, religion, color, national origin, or ancestry, or to obtain assistance in hiring from sources discriminating for such reasons; second, for a labor union of 50 or more members, on the same grounds to discriminate or to limit, segregate, or classify membership in any way which would adversely affect employees or applicants for employment; and, third, for an employer or a labor union to discharge, expel, or otherwise discriminate against any person because he has opposed an unlawful practice or has filed a charge, testified, participated, or assisted in any proceeding under this act.

Establishes a Fair Employment Practice Commission of five members, appointed by the President with the consent of the Senate, to investigate, conciliate, and adjudicate complaints of such unfair employment practices, to order their cessation and appropriate affirmative action, including hiring or reinstatement of employees with or without back pay. The Commission may petition circuit courts of appeals to enforce certain orders, and so forth, and parties aggrieved by orders of the Commission may obtain review.

Laws, as we in a civilized society are familiar with them, are designed to promote a constructive end, to further the ends of our society and civilization. Before any proposition becomes garbed in the regal cloak of law, it must be determined whether or not such a proposition is likely to attain those objectives for which it is designed. The intention and probable effects of a given law are exclusive features in themselves, and to the extent that the probable effects diverge from the desired objectives, to that extent is a proposed law rendered undesirable.

Let us at this point examine the current and controversial proposal, FEPC, relevant to intention and probable effects. By so doing we can arrive at a conclusion as to whether or not that particular bill should remain a proposal, or should, instead, become incorporated into our laws; whether or not the plan has merit; whether or not it is just a vain attempt.

The prime intent of the FEPC is to eliminate discrimination on the part of employers in the process of hiring employees. Now that the intent is known, let us look at the means to be employed to effect the desired end. Then we will see the proposal in full perspective.

In order to effect the desired objectives, the act provides that there be established a Fair Employment Practice Commission of five members appointed by the President with the consent of the Senate, to investigate, conciliate, and adjudicate complaints of unfair employment practices, to order their cessation and appropriate affirmative action, including hiring or reinstatement of em-







## FACILITATE THE WORK OF THE FOREST SERVICE

MARCH 29, 1950.—Ordered to be printed

Mr. COOLEY, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany H. R. 5839]

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and agree to the same.

HAROLD D. COOLEY,  
STEPHEN PACE,  
W. K. GRANGER,  
CLIFFORD R. HOPE,  
AUG. H. ANDRESEN,  
*Managers on the Part of the House.*

ALLEN J. ELLENDER,  
CLYDE R. HOEY,  
SPESSARD L. HOLLAND,  
GEORGE D. AIKEN,  
EDWARD J. THYE,  
*Managers on the Part of the Senate.*

## STATEMENT OF THE MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Except for minor and clarifying amendments, the differences between the bill as it passed the House and the bill as agreed to by the committee of conference and reported herewith, are set out below.

### *Section 12*

Section 12, as it passed the House, was in the form of direct authority for the Secretary of Agriculture to use part of the grazing fees paid for the use of national forest lands for making certain range improvements on such lands. The money set aside for this purpose would have constituted a special fund which would have been available, without fiscal year limitation, for the purposes authorized in the section.

The principal effect of the Senate amendment is to require that the funds provided for must be appropriated by Congress. The Senate amendment also establishes a definite charge per animal-month as the measure of the authorization for such purposes. The purposes for which the funds may be used are exactly the same as those provided in the House bill.

### *Section 18*

This is a new section added to the bill in the Senate. It provides specific statutory recognition of, and authority for, grazing advisory boards. Such boards have been employed for many years by the Forest Service as a medium of cooperation between the Service and the permittees using the grazing lands. There are approximately 800 such advisory boards at the present time and, under the terms of the amendment, each existing board will continue to be recognized by the Department of Agriculture until replaced by a board, or boards, constituted and elected as provided in the amendment. The boards have no administrative function or authority other than that of advising the Secretary of Agriculture on local range management as provided in this section. An important provision of the section is that which seeks to safeguard the recreational values of the range lands by providing that the State game commission or the corresponding public body of the State in which the advisory board is located may designate a representative to be a member of each board to advise on wildlife problems.

*Section 19*

This is also a new section added by the Senate. It authorizes the Secretary of Agriculture to issue permits for the grazing of livestock on the national forests for periods not exceeding 10 years and renewals thereof. It has long been the practice of the Forest Service to issue such 10-year permits, but the authority to issue permits other than on an annual basis was recently challenged by a court decision. The purpose of the amendment is to give specific statutory authority for an established practice.

HAROLD D. COOLEY,  
STEPHEN PACE,  
W. K. GRANGER,  
CLIFFORD R. HOPE,  
AUG. H. ANDRESEN,  
*Managers on the Part of the House.*

○





Mr. Chairman, if the amendment offered by the gentleman from Rhode Island were a separate resolution, I think now that I would perhaps be glad to support it, but it really has no place here and has no germaneness to the purposes of the bill. Therefore, I hope the amendment will not be adopted.

Mr. MARCANTONIO. Mr. Chairman, I support and shall vote for the amendment offered by the gentleman from Rhode Island [Mr. FOGARTY].

I believe that if we adopt this amendment, that we shall have placed this House of Representatives on record against the partition which Great Britain has imposed on the people of Ireland. What is more, the adoption of this amendment, if it accomplishes nothing else, will serve notice on the rulers of England that the House of Representatives definitely and unequivocally supports Ireland's right to unity.

Ireland's right to an undivided nation has been denied by England's imposition of imperialism and tyranny which we with these Marshall plan funds are supporting.

England's arbitrary partitions of Ireland violates the principle of self determination. There has never been and there can be no doubt as to what constitutes the unit for self determination in the case of Ireland. Ireland has been accepted as a nation since the time of St. Patrick, over 1,500 years ago. The facts of Ireland's nationhood are uncontrovertible. Ireland is a nation by geography, language, culture, homogeneous people and by tradition. Inhabitants of every part of Ireland call themselves Irish. Consequently, the Irish question must be settled by the majority of all the people of Ireland. Anything else is not democracy, but tyranny and we cannot, if we believe in the democracy we profess, support this British tyranny with the dollars of Americans through this Marshall plan.

Partition was imposed on the people of Ireland by terror. The terror of the Black and Tans will never be forgotten by the Irish people. Here, we aid Great Britain with Marshall plan funds to perpetuate this partition of the Irish Nation.

The six counties were cut off from the Irish Nation by British force. Here, with Marshall plan dollars we reinforce British power to keep Ireland divided.

Eighty percent of all Ireland's 4,248,165 people want all Ireland to be one nation. Thirty-two counties make up all Ireland. Of these 30 counties with a population of 3,402,126 or 80 percent, want all Ireland to be one nation. Britain has refused and continues to refuse to recognize the will of an 80-percent majority.

The question before us is: Shall we recognize the right of this majority to establish a united nation, or shall we continue to subsidize with American dollars the British denial of that right? I shall vote for the right of the Irish people to achieve a united Ireland.

This explains my vote in favor of the Fogarty amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island [Mr. FOGARTY].

The question was taken; and on a division (demanded by Mr. KEE) there were—ayes 94, noes 55.

Mr. KEE. Mr. Chairman, I demand tellers.

Tellers were ordered, and the Chairman appointed as tellers Mr. KEE and Mr. FOGARTY.

The Committee again divided; and the tellers reported there were—ayes 99, noes 66.

So the amendment was agreed to.

(Mr. McDONOUGH asked and was given permission to revise and extend his remarks.)

Mr. KEE. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. HARRIS, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H. R. 7797) to provide foreign economic assistance, had come to no resolution thereon.

#### SPECIAL ORDER GRANTED

Mr. LANE asked and was given permission to address the House today for 10 minutes following the legislative program and any special orders heretofore entered.

#### FACILITATION OF THE WORK OF THE FOREST SERVICE

Mr. COOLEY submitted the following conference report and statement on the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes:

#### CONFERENCE REPORT (H. REPT. NO. 1859)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and agree to the same.

HAROLD D. COOLEY,  
STEPHEN PACE,  
W. K. GRANGER,  
CLIFFORD R. HOPE,  
AUG. H. ANDRESEN,

*Managers on the Part of the House.*

ALLEN J. ELLENDER,  
CLYDE R. HOEY,  
SPESSARD L. HOLLAND,  
GEORGE D. AIKEN,  
EDWARD J. THYE,

*Managers on the Part of the Senate.*

#### STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report as to each of such amendments, namely:

Except for minor and clarifying amendments, the differences between the bill as it passed the House and the bill as agreed to by the committee of conference and reported herewith, are set out below.

#### SECTION 12

Section 12, as it passed the House, was in the form of direct authority for the Secretary of Agriculture to use part of the grazing fees paid for the use of national forest lands for making certain range improvements on such lands. The money set aside for this purpose would have constituted a special fund which would have been available, without fiscal year limitation, for the purposes authorized in the section.

The principal effect of the Senate amendment is to require that the funds provided for must be appropriated by Congress. The Senate amendment also establishes a definite charge per animal-month as the measure of the authorization for such purposes. The purposes for which the funds may be used are exactly the same as those provided in the House bill.

#### SECTION 15

This is a new section added to the bill in the Senate. It provides specific statutory recognition of, and authority for, grazing advisory boards. Such boards have been employed for many years by the Forest Service as a medium of cooperation between the Service and the permittees using the grazing lands. There are approximately 800 such advisory boards at the present time and, under the terms of the amendment, each existing board will continue to be recognized by the Department of Agriculture until replaced by a board, or boards, constituted and elected as provided in the amendment. The boards have no administrative function or authority other than that of advising the Secretary of Agriculture on local range management as provided in this section. An important provision of the section is that which seeks to safeguard the recreational values of the range lands by providing that the State game commission or the corresponding public body of the State in which the advisory board is located may designate a representative to be a member of each board to advise on wildlife problems.

#### SECTION 19

This is also a new section added by the Senate. It authorizes the Secretary of Agriculture to issue permits for the grazing of livestock on the national forests for periods not exceeding 10 years and renewals thereof. It has long been the practice of the Forest Service to issue such 10-year permits, but the authority to issue permits other than on an annual basis was recently challenged by a court decision. The purpose of the amendment is to give specific statutory authority for an established practice.

HAROLD D. COOLEY,  
STEPHEN PACE,  
W. K. GRANGER,  
CLIFFORD R. HOPE,  
AUG. H. ANDRESEN,

*Managers on the Part of the House*

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to revise and extend my remarks.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

[Mr. COX addressed the House. His remarks will appear hereafter in the Appendix.]



Mr. McSWEENEY. Mr. Speaker, I ask unanimous consent to address the House for one-half minute.

The SPEAKER. Is there objection to the request of the gentleman from Ohio?

There was no objection.

#### THE MOUNT UNION COLLEGE CHOIR

Mr. McSWEENEY. Mr. Speaker, may I respectfully call to the attention of the Members of the House the fact that some of the very fine young people from one of the great colleges of Ohio, Mount Union, of Alliance, are here tonight with its choir and are to give a concert at the First Congregational Church at Tenth and G Streets NW., at 8:30 p. m. An added attraction at this concert will be Kay De Witt, the talented and attractive young lady who sings so beautifully with the orchestra at the Capital Theater here in Washington. She, too, attended Mount Union College and will join with this choir tonight. This institute is one of the courageous Christian educational institutions of our country, and the representatives of this institute are here tonight under the capable leadership of Mr. Cecil Stewart. I hope that those of you who may have nothing else on your docket will try to attend and hear these fine young people who come not only from all parts of America, but I find also that there is a Chinese student and representatives from other lands in the group. This institution is trying to impart to all of its students a fine Christian concept of decent citizenship.

#### FOREIGN ECONOMIC ASSISTANCE

Mr. KEE. Mr. Speaker, I ask unanimous consent to file a supplemental report on the bill (H. R. 7797) to provide foreign economic assistance.

The SPEAKER. Is there objection to the request of the gentleman from West Virginia?

There was no objection.

#### EXTENSION OF REMARKS

Mr. HESELTON asked and was given permission to extend his remarks at this point in the Record.

#### SURPLUS AGRICULTURAL COMMODITIES

Mr. HESELTON. Mr. Speaker, I want to place in the Record now, the text of the section from the omnibus appropriation bill which provides for the removal of surplus agricultural commodities:

The Department of Agriculture is authorized to pay out of funds made available by section 32 of the act of August 24, 1935 (7 U. S. C. 612 (c)) transportation and handling charges on surplus commodities owned by the Department or any of its instrumentalities or agencies for the purpose of distribution to public welfare agencies.

Next, I wish to place in the Record an amendment which I wish to offer to that section:

At line 21, after the citation (7 U. S. C. 612 (c)), strike out the balance of the sentence and insert "and out of funds made available to the Commodity Credit Corporation transportation and handling charges on surplus commodities owned by the Department or any of its instrumentalities or agencies for the purpose of distribution in the order of priority set forth: First, to school-lunch pro-

grams, and the Bureau of Indian Affairs, and Federal, State, and local tax-supported institutions, such as hospitals, orphanages, schools, penal and mental institutions, and public-welfare organizations for the assistance of needy Indians and other needy persons; second, to private welfare organizations for the assistance of needy persons within the United States; third, to private welfare organizations for the assistance of needy persons outside the United States; fourth, to intergovernmental or international nonprofit welfare agencies, for assistance to needy persons outside the United States."

You will note that this uses the identical language of the omnibus appropriation bill, provides for payments out of funds made available to the Commodity Credit Corporation and then sets forth four categories of recipients, being those mentioned in the recent conference report as to the disposition of surplus potatoes.

Finally, I submit a further amendment which seeks to combine the language of the conference report on the disposition of surplus potatoes, of section 416 of the Agricultural Act of 1949 and then provides, as has been done in other proposed legislation, for the Secretary to make a determination that such commodities are in ample supply over the necessary reserves and then a provision for the payment out of the equivalent of 6 months' storage charges to cover the cost of transportation, with the proviso suggested by the gentleman from Arkansas [Mr. HAYS] when we last discussed this matter:

Page 193, line 18, strike out lines 18 through 24 inclusive, and insert "In order to prevent the waste of food commodities acquired through price-support operations which are found to be in danger of loss through deterioration or spoilage before they can be disposed of in normal domestic channels without impairment of the price-support program, the Secretary of Agriculture and the Commodity Credit Corporation are authorized and directed to make available such commodities as follows in the order of priority set forth: First, to school-lunch programs, and the Bureau of Indian Affairs, and Federal, State, and local tax-supported institutions, such as hospitals, orphanages, schools, penal and mental institutions, and public-welfare organizations for the assistance of needy Indians and other needy persons; second, to private-welfare organizations for the assistance of needy persons within the United States; third, to private welfare organizations for the assistance of needy persons outside the United States; fourth, to intergovernmental or international nonprofit welfare agencies, for assistance to needy persons outside the United States. The Secretary of Agriculture shall first determine that such commodities are in ample supply over and above such reserves as may be required and deemed in the public interest. The Secretary of Agriculture and the Corporation shall make any such commodities available at no cost at point of use within the United States or at shipside at port of embarkation. The Secretary and the Corporation may pay as against handling and transportation costs in making delivery up to the equivalent of 6 months' storage costs on any such commodities turned over: *Provided*, That no transportation or handling charges shall be incurred by the Commodity Credit Corporation or Department of Agriculture if in so doing it would lower the total amount of agricultural commodities acquired by any institution or organization through the normal channels of trade and commerce."

#### PERMISSION TO ADDRESS THE HOUSE

Mrs. ROGERS of Massachusetts. Mr. Speaker, I ask unanimous consent to address the House for 1 minute and to include as part of my remarks a letter from the New England Shoe & Leather Association, signed by Maxwell Field, executive vice president, and a letter that association wrote to the Secretary of the Treasury asking for an investigation of the dumping of shoes from a country behind the iron curtain.

The SPEAKER. Is there objection to the request of the gentlewoman from Massachusetts?

There was no objection.

#### IMPORTATION OF FOREIGN-MADE SHOES

Mrs. ROGERS of Massachusetts. Mr. Speaker, I desire to read part of a letter received from Maxwell Field, executive vice president and secretary of the New England Shoe and Leather Association, as follows:

Reliable information indicates that over a million pairs of these low-priced women's shoes will be exported to our country this year. In the month of January alone, 58,000 pairs cleared customs, an amount equal to more than one-half of total imports of 99,000 pairs for the full year 1949. These shoes are being sold at retail by large mail-order, chain-, and department-store companies for \$2, \$3, and \$4 per pair. Comparable American-made shoes now sell for at least \$2 more per pair, i. e., the Czech \$2 shoe competes with our \$4 retailer.

I shall be glad to show the Members on the floor a pair of these Czech shoes which are being dumped in this country from behind the iron curtain.

The letters are as follows:

NEW ENGLAND SHOE &  
LEATHER ASSOCIATION,  
Boston, Mass., March 23, 1950.

HON. EDITH N. ROGERS,  
House Office Building,  
Washington, D. C.

DEAR MRS. ROGERS: Our association, in behalf of your constituents, who are both shoe manufacturers and workers, request your cooperation in securing approval of the Treasury Department to an investigation of the dumping of Czechoslovakian-made shoes in violation of the Antidumping Act of 1921. The grounds for this petition are set forth in the enclosed letter addressed to the Honorable John W. Snyder.

Reliable information indicates that over a million pairs of these low-priced women's shoes will be exported to our country this year. In the month of January alone 58,000 pairs cleared customs, an amount equal to more than one-half of total imports of 99,000 pairs for the full year 1949. These shoes are being sold at retail by large mail-order, chain- and department-store companies for \$2, \$3, and \$4 per pair. Comparable American-made shoes now sell for at least \$2 more per pair, i. e., the Czech \$2 shoe competes with our \$4 retailer.

It is exactly these low-priced types which represent a substantial proportion of all New England-made women's shoes, so that these imports endanger New England shoe companies and the rate of employment of many thousands of their workers more seriously than any other region.

Our association wrote the Honorable Dean G. Acheson on February 28, inquiring as to the policy of the State Department, which actually encourages these imports from a country behind the iron curtain with a nationalized shoe industry and a policy of dumping shoes in order to obtain dollar exchange. A copy of this letter is enclosed.







hostile to our system of democratic government: President Monroe stated this principle in his message to Congress of December 2, 1823.

This principle has been appealed to in recent years, when we have been disturbed over rumored attempts by Nazi or Fascist organizations to extend their systems to this hemisphere.

13. Freedom of the seas: A principle of international law for which we have stood time and time again.

14. The freedom of men and women to travel upon their legitimate and innocent occasions without unnecessary or unreasonable let or hindrances: This is a principle that is suffering through ever-increasing restrictions upon travel.

Mr. KEEFE. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield.

Mr. KEEFE. I notice the gentleman from Nebraska has brought into the Well of the House one portion of the bill now before us. I know the distinguished gentleman who is now about to address us has also read and examined the Budget, which is a printed document of great size, which is submitted to the Congress each year and referred to the Committee on Appropriations. As a matter of fact, is it not true that in the Budget which is submitted to the Congress, and then referred to the Committee on Appropriations, anyone can see there a one-package bill and determine from examining the Budget itself just exactly what the President's estimates of expenditures are and what the revenues will be. Is that not true?

Mr. STEFAN. That is correct.

Mr. ROONEY. Mr. Chairman, will the gentleman from Nebraska yield?

Mr. STEFAN. I yield.

Mr. ROONEY. I just want to make this observation in answer to the statement or question of the gentleman from Wisconsin, that while the budget estimate shows what the President and his Bureau of the Budget requests, it does not show the action of the Appropriation Committee of Congress which can only be shown at one time by a one-package appropriation bill.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. Can the gentleman tell me why, from among the personnel who served the United States in the armed services, more persons were not selected to handle our affairs of state abroad; men whose loyalty cannot be doubted? I cannot understand this hasty selection of persons, some of whom have spent comparatively few years in the United States and who have been citizens of the United States only a short time. Can the gentleman answer those questions?

Mr. STEFAN. I cannot; I am sorry.

Mr. PHILLIPS of California. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from California.

Mr. PHILLIPS of California. I rose to ask the gentleman before, and now, if it was his intention to include with his remarks the list that he now has upon the tabletop in front of him.

Mr. STEFAN. I did not intend to include that with my remarks. I have it

here for the information of every Member of the House. I understand, however, that another Member of the House is going to talk about this subject and he will undoubtedly include them with his remarks.

Mr. PHILLIPS of California. I would like to say as one Member of the House that it should be included so that it will be obtainable, because we have found at home a rising tide of interest in this subject and we dislike to talk in generalities. It seems to me we have reached a point in the discussion where we should be able to give specific information and anything the gentleman can supply will be very helpful.

Mr. STEFAN. I thank the gentleman. I wish to say to the members of the committee, I know it is very hard for all of you to go through these hearings on all of these bills, but I assure you that I personally know that every volume of this appropriation bill, which contains more than 70 percent of our requests for running our Government during the next fiscal year, is today being indexed page by page, and item by item, by the very efficient staffs of the legations, the embassies and the consulates of foreign governments whose staffs have been increased 100 percent, especially those representing countries behind the iron curtain. The employment in the Russian delegation in the United Nations, when the Assembly is in session, always increases from 50 to over 100, and I notice that the number of representatives of foreign governments who are presently in a diplomatic status in the District of Columbia, have increased over 100 percent. It is a very important problem, and if we are, as the chairman says, nearing a hot war, beware, America.

Mr. ROONEY. Mr. Chairman, will the gentleman from Nebraska yield?

Mr. STEFAN. I yield to the gentleman from New York.

Mr. ROONEY. Is it not the fact that as a result of this situation which the distinguished gentleman from Nebraska describes, it becomes necessary for the subcommittees on appropriations to hear a great deal of the pertinent testimony off the record?

Mr. STEFAN. I thank the gentleman. I will say that in making up my brief statement on this warning to America, I took into consideration many of the statements that were told to us off the record, and for reasons of security. When you take the floor, there are so many things that you do not dare to talk about. The gentleman will agree with me that the situation is alarming, will he not?

Mr. ROONEY. I certainly do. I will say to the gentleman from Nebraska that he is entitled to the commendation of this House for the presentation he has made here this afternoon. In my estimation, my distinguished friend, the gentleman from Nebraska, KARL STEFAN, is one of the ablest, if not the ablest, Member of the House Committee on Appropriations, and I heartily agree with what he has said here this afternoon.

Mr. STEFAN. I deeply appreciate the commendation of my subcommittee chairman.

Mrs. ROGERS of Massachusetts. Mr. Chairman, will the gentleman yield?

Mr. STEFAN. I yield to the gentleman from Massachusetts.

Mrs. ROGERS of Massachusetts. The gentleman knows my opinion of his ability and his loyalty and his anxiety to rid the country of Communists and subversive persons, and to have a Foreign Service that is the finest and most loyal in the world.

Mr. STEFAN. I thank the gentleman.

Mr. CANNON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. COOPER, Chairman of the Committee of the Whole House on the State of the Union reported that that Committee, having had under consideration the bill (H. R. 7786) making appropriations for the support of the Government for the fiscal year ending June 30, 1951, and for other purposes, had come to no resolution thereon.

#### FACILITATION OF THE WORK OF THE FOREST SERVICE

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 29, 1950.)

The conference report was agreed to. A motion to reconsider was laid on the table.

#### RURAL REHABILITATION CORPORATION—TRUST LIQUIDATION ACT

Mr. COOLEY. Mr. Speaker, I call up the conference report on the bill (S. 930) to provide for the liquidation of the trusts under the transfer agreement with State rural rehabilitation corporations, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of March 31, 1950.)

Mr. HOPE. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield.

Mr. HOPE. Will the gentleman explain the differences between the conference report and the House version of the bill?

Mr. COOLEY. Actually, no very important changes were made in the House bill. The only very substantial change is with regard to the disposal of trust



assets. The bill now provides for an outright rate of the assets of the several corporations. It provides a 3-year period within which the State corporations may make application for a rate of such assets pursuant to the trust agreement. In the event no application for a rate of the trust assets is filed within 3 years, the House bill provided that such assets would be placed in a revolving fund to be used within the State for purposes of the Bankhead-Jones Farm Tenant Act. The conference report, which is in the nature of a compromise between this provision and a provision in the Senate bill which provided that such assets would under such circumstances revert to the Treasury, authorizes the Secretary of Agriculture to enter into an agreement with any State rural rehabilitation corporation or other State agency having official jurisdiction of the trust assets which have been returned pursuant to the provisions of the act and for the administration of such funds by the Secretary, together with any other funds which may be transferred to the Secretary by such corporations or other agencies, to be used in carrying out within the State the general purposes of titles 1, 2, and 4 of the Bankhead-Jones Farm Tenant Act. This will permit States which want to have these funds administered by the Federal Government to provide by agreement a program very similar to that which has been in effect in the past or such other program as may be agreed upon and which might be compatible with the letter and spirit of the law. The statement of the managers on the part of the House, which has just been read, clearly indicates that the changes are not too important. I might observe, however, that such changes as have been made, I am certain, will meet with the approval of the officials of the Farmers Home Administration.

Mr. HOPE. There is a further provision, is there not, that if the funds are not claimed in either way by the States they will go into the General Treasury of the United States?

Mr. COOLEY. That is right.

Mr. HOPE. I thank the gentleman.

Mr. COOLEY. Mr. Speaker, the committee of the conference has agreed on a bill to provide for the liquidation of the trusts under the transfer agreements between the Secretary of Agriculture and the various State rural rehabilitation corporations. The conference report (H. Rept. No. 1865) on the bill (S. 930) has been signed by the managers of the bill for the House and Senate and has been published in the CONGRESSIONAL RECORD for March 31, 1950.

This bill, which originated in the House as H. R. 2392, was debated at length here in the House on March 1 and 2, and was passed. As will be seen from the conference report, only one significant change was made in the bill by the conference committee. That was the deletion of the revolving fund provision of section 2 (e) and the substitution for it of section 2 (f) as a compromise between the provisions of the House and Senate bills.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The SPEAKER. The question is on the conference report.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### LIQUIDATION OF STATE RURAL REHABILITATION CORPORATION TRUST ASSETS

(Mr. COOLEY asked and was granted permission to extend his remarks at this point in the RECORD.)

Mr. COOLEY. Mr. Speaker, the addition of a new section 2 (f) was discussed in the House debates and was requested by numerous members of both Houses and the Administrator of the Farmers Home Administration in order that the bill might provide authority for the Secretary to contract with the State rural rehabilitation corporations or other State agencies or officials having jurisdiction of the corporate assets, hereinafter referred to as the "corporations" unless otherwise indicated, for the administration of all or a part of the corporate assets by the Farmers Home Administration.

While it is anticipated that some corporations may desire to have all of their assets returned to them for administration, it is anticipated that others will prefer to have all of their assets, except such as may be needed for their administrative expenses, administered by the Secretary through the Farmers Home Administration under section 2 (f) contracts, and that still others may prefer to have a part of their assets returned to them for use in carrying out particular projects, defraying their administrative expenses, et cetera, and to have the remainder of their assets administered under such section 2 (f) contracts. The bill permits such combination methods to be used.

Agreements entered into under section 2 (f) would provide for administration of the transferred assets by the Secretary upon such terms and conditions and for such periods of time as were mutually agreeable to the Secretary and the corporations. Agreement upon the rules and regulations governing the administration of the transferred assets would enable the corporations through their officials or designated representatives to keep abreast of the administration of their assets, should enable them to answer inquiries of State officials vested with authority to inquire into the administration of such assets, and should avoid any accounting problems with which the Secretary might otherwise be confronted at the termination of the agreements. The agreements could provide for administration of the transferred assets in the name of the United States and for use of its service agencies as at present, if that is considered desirable.

Agreements could be entered into under section 2 (f) for the purpose of permitting the Secretary to use corporation assets for the purposes of titles I and II of the Bankhead-Jones Farm Tenant Act, as amended, and for other purposes for which they were previously used by the Secretary, if they were transferred to him for those purposes. The

agreements could also contain such other provisions as are deemed necessary, so long as they are consistent with the provisions of the bill.

Agreements entered into under section 2 (f) could permit the Secretary to use a reasonable percentage of the transferred assets for expenses of administration thereof, or any amounts appropriated by Congress for that purpose. Expenditures for such costs of administration should be kept reasonable, consistent with the services required to be performed. Since the administrative functions under section 2 (f) contracts will be substantially the same as they were under the trust agreements, it would seem that such expenditures by the Secretary could be kept within the rate heretofore charged by the Secretary against the trust assets in connection with his administration thereof through the Farmers Home Administration, except for the cost of special personnel employed under section 4 (a) to aid the Secretary in liquidating the trusts, returning the trust assets to the corporations or States, entering into contracts under section 2 (f), and so forth. There would seem to be no good reason why Congress should make appropriations for administration of such assets, but that is a matter for consideration in connection with annual Department of Agriculture appropriation acts.

The entering into of agreements under section 2 (f) would be entirely optional with the Secretary and each corporation or other State agency or official having jurisdiction of the corporate assets, and at the termination of the original agreement or last renewal thereof, the assets then remaining of those transferred to the Secretary for administration, would be returned to the corporation or other State agency or official having jurisdiction thereof, in the same manner and to the same extent as if the 2 (f) agreement had never been entered into.

#### EXTENSION OF REMARKS

Mr. KLEIN asked and was given permission to extend his remarks in four instances and include extraneous matter.

Mr. TAURIELLO asked and was given permission to extend his remarks and include an article from the Buffalo Courier.

Mr. FLOOD asked and was given permission to extend his remarks and include an address.

Mr. CARNAHAN asked and was given permission to extend his remarks in two instances and include extraneous matter.

Mr. PHILLIPS of California asked and was given permission to extend his remarks.

Mr. VELDE asked and was given permission to extend his remarks in two instances, in each to include editorials.

Mr. JENISON asked and was given permission to extend his remarks in two instances, in each to include extraneous matter.

Mr. FOULSON (at the request of Mr. H. CARL ANDERSEN) was given permission to extend his remarks in two instances, and to include an editorial.

Mr. SMITH of Wisconsin asked and was given permission to extend his re-







# CLOSER-UPS OF THE WORLD'S TRENDS— UPTON CLOSE'S PERSONAL LETTER

[Mr. McCARTHY asked and obtained leave to have printed in the RECORD Upton Close's personal letter entitled "Closer-Ups of the World's Trends" dated April 6, 1950, which appears in the Appendix.]

# CONDITION OF THE AMERICAN MERCHANT MARINE—ARTICLE BY HELEN DELICH

[Mr. O'CONOR asked and obtained leave to have printed in the RECORD the fourth and concluding article of a series on the condition of the American merchant marine, written by Helen Delich, and published in the Baltimore Sun, April 13, 1950, which appears in the Appendix.]

# RETIREMENT OF ADMIRAL LEWIS L. STRAUSS—EDITORIAL FROM THE NEW YORK TIMES

[Mr. LEHMAN asked and obtained leave to have printed in the RECORD an editorial entitled "A Job Well Done," from the New York Times of April 13, 1950, with relation to the retirement of Admiral Lewis L. Strauss from membership on the Atomic Energy Commission, which appears in the Appendix.]

# A MARSHALL PLAN OF IDEAS—LETTER FROM PHILIP MURRAY

[Mr. BENTON asked and obtained leave to have printed in the RECORD a letter addressed to him under date of April 12, 1950, by Philip Murray, president of the Congress of Industrial Organizations, commenting upon a speech recently delivered by Senator BENTON, which appears in the Appendix.]

# OIL AND GAS—CURSE OR BLESSING?

[Mr. KERR asked and obtained leave to have printed in the RECORD an article from Time magazine of April 17, 1950, entitled "Oil and Gas—Curse or Blessing," which appears in the Appendix.]

# KERR GAS BILL ONLY AFFIRMS PRESENT LAW—EDITORIAL FROM FORT WORTH (TEX.) STAR-TELEGRAM

[Mr. KERR asked and obtained leave to have printed in the RECORD an editorial entitled "Kerr Gas Bill Only Affirms Present Law," published in the Fort Worth (Tex.) Star-Telegram of April 12, 1950, which appears in the Appendix.]

# ADDRESS BY SENATOR BENTON TO UNITED STATES NATIONAL COMMISSION FOR UNESCO

[Mr. FULBRIGHT asked and obtained leave to have printed in the RECORD an address delivered by Senator BENTON to the United States National Commission for the UNESCO, in Washington, D. C., Thursday, April 13, 1950, which appears in the Appendix.]

# SENATOR MYERS' REPORT TO THE PEOPLE OF PENNSYLVANIA

[Mr. MYERS asked and obtained leave to have printed in the RECORD his biweekly report to the people of Pennsylvania dated April 6, 1950, which appears in the Appendix.]

# WHAT ECA IS ACCOMPLISHING IN EUROPE—ARTICLE BY ROSCOE DRUMMOND

[Mr. MYERS asked and obtained leave to have printed in the RECORD an article entitled "What ECA Is Accomplishing in Europe," by Roscoe Drummond, which appears in the Appendix.]

# THE MARSHALL PLAN—EDITORIAL FROM THE CHRISTIAN SCIENCE MONITOR

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled "Defend the Marshall Plan," from the Christian Science Monitor for March 20, 1950, which appears in the Appendix.]

# DISABILITY INSURANCE

[Mr. MYERS asked and obtained leave to have printed in the RECORD an editorial entitled, "Disability Insurance," from the Washington Post of January 27, 1950, and with it an article on the same subject recently published by the American Public Welfare Association, which appear in the Appendix.]

# JUSTICE ROBERTS URGES UNION TO PREVENT WAR—ARTICLE BY DANIEL A. POLING

[Mr. MYERS asked and obtained leave to have printed in the RECORD an article entitled "Justice Roberts Urges Union To Prevent War," by Daniel A. Poling, published in the Philadelphia Bulletin, which appears in the Appendix.]

# COLUMBIA VALLEY AUTHORITY—ARTICLE BY LOWELL MELLETT

[Mr. MAGNUSON asked and obtained leave to have printed in the RECORD an article entitled "Regional Authority Idea Was Born in Republican, not Socialist Brain," by Lowell Mellett, from the Washington Evening Star of April 12, 1950, which appears in the Appendix.]

# APPOINTMENT OF LT. COL. CHARLES H. BONESTEEL AS EXECUTIVE DIRECTOR OF THE EUROPEAN COORDINATING COMMITTEE

The VICE PRESIDENT laid before the Senate the amendments of the House of Representatives to the bill (S. 2911) to authorize the President to appoint Lt. Col. Charles H. Bonesteel as Executive Director of the European Coordinating Committee under the Mutual Defense Assistance Act of 1949, without affecting his military status and perquisites, which were, on page 2, line 6, strike out all after "grade:" down to and including "allowances" in line 16, and insert "Provided, That Lieutenant Colonel Bonesteel shall hold the position of Executive Director of the European Coordinating Committee for a period of not to exceed 3 years, but during such time shall receive the salary and allowances as Executive Director of the European Coordinating Committee as one of the persons authorized to be employed under section 406 (e) of the Mutual Defense Assistance Act of 1949, payable from funds made available by law for the Department of State, in lieu of his military pay and allowances"; and on page 3, after line 2, insert:

Sec. 3. All periods of service performed by Lieutenant Colonel Bonesteel pursuant to the authority of this act shall be credited as active service in the Army of the United States for pay, promotion, and all other purposes.

Mr. TYDINGS. Mr. President, on April 4 the House passed Senate bill 2911, with certain minor amendments, which do not change the philosophy or intent of the bill. Therefore I move that

the Senate concur in the amendments of the House.

Mr. SALTONSTALL. Mr. President, will the Senator yield?

Mr. TYDINGS. I yield.

Mr. SALTONSTALL. Reserving the right to object, I understand and know that this again was recommended through unanimous action of the Armed Services Committee.

Mr. TYDINGS. The Senator is correct.

The VICE PRESIDENT. The question is on the motion of the Senator from Maryland to concur in the amendments of the House.

The motion was agreed to.

# NOMINATION OF JAMES K. FINLETTER AND OTHER ARMY AND NAVY NOMINATIONS

Mr. TYDINGS. Mr. President, as in executive session, I send to the desk the nomination of Mr. James K. Finletter, of New York, to be Secretary of the Air Force, together with several other routine Army and Navy promotions, with the recommendation that they be confirmed and the President notified. As in executive session, I ask unanimous consent that this action be taken.

The VICE PRESIDENT. Is there objection?

Mr. SALTONSTALL. Mr. President, reserving the right to object, I shall not object, but I shall appreciate it if the chairman of the Armed Services Committee will specify the vote by which the nomination of Mr. Finletter was reported.

Mr. TYDINGS. All these matters were passed unanimously, after hearings before the Armed Services Committee this morning. In view of the fact that it is important to have a Secretary of Air immediately on the job, it is desirable to have this confirmation made, as there has been no objection filed to it that the committee deemed of any consequence.

The VICE PRESIDENT. Without objection, the nominations will be confirmed, and the President notified.

Mr. LEHMAN subsequently said: Mr. President, I ask unanimous consent to speak for not more than 1 minute in regard to the nomination of Secretary Finletter.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. LEHMAN. Mr. President, I wish to congratulate the President of the United States and the Senate upon the nomination and confirmation respectively of Mr. James K. Finletter as Secretary of the Air Forces. Mr. Finletter is an outstanding citizen of New York. I have known him intimately for a very long period as a friend and associate in government work. I have known him as a successful lawyer and also as a man who was intimately associated with the activities of our State and Defense Departments during the war. His contribution to the war effort was vital and significant. I knew him also as one who directed the writing of an historic and comprehensive report on air power and the needs of the United States in the



realm of air strength and power. I am delighted with his appointment. I am very confident that he will serve with distinction and with great credit to himself and to our country.

#### FACILITATION OF WORK OF THE FOREST SERVICE—CONFERENCE REPORT

Mr. THOMAS of Oklahoma. Mr. President, on behalf of the Senator from Louisiana [Mr. ELLENDER], I submit a conference report, and ask unanimous consent for its present consideration.

The VICE PRESIDENT. The report will be read.

The report was read, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 5839) to facilitate and simplify the work of the Forest Service, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10 and agree to the same.

ALLEN J. ELLENDER,  
CLYDE R. HOEY,  
SPESSARD L. HOLLAND,  
GEORGE D. AIKEN,  
EDWARD J. THYE,

*Managers on the Part of the Senate.*

HAROLD D. COOLEY,  
STEPHEN PACE,  
W. K. GRANGER,  
CLIFFORD R. HOPE,  
AUG. H. ANDRESEN,

*Managers on the Part of the House.*

The VICE PRESIDENT. Is there objection to the present consideration of the conference report?

Mr. SALTONSTALL. Mr. President, reserving the right to object, I understand from the Senator from Oklahoma that this is a unanimous report?

Mr. THOMAS of Oklahoma. It is. It is signed by the five members of the conference committee, including the three majority and the two minority members.

Mr. SALTONSTALL. Will the Senator be willing to explain very briefly the changes in the bill made by the conference report?

Mr. THOMAS of Oklahoma. Mr. President, the bill relates to the Forestry Service. During the past several decades a great many individual bills were passed dealing with the same subject. In order to combine the various subjects into one act, it was thought best to revise and rewrite the various acts, and include them in one act in that form. One provision in the House bill provided that fees from grazing areas should be subject to reuse by the Forestry Service. The Senate did not agree to that provision, and required that such fees be paid into the Treasury. That is the only change. The remainder of the bill is a recodification of certain sections of the Forestry Service law.

The VICE PRESIDENT. Is there objection to the immediate consideration of the report?

There being no objection, the report was considered and agreed to.

#### THE SECRETARY OF STATE—ARTICLE FROM THE AMERICAN MERCURY

Mr. MALONE. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD an article en-

titled "The Impeccable Mr. Acheson," written by Fred Rodell, and published in the April 1950 issue of the American Mercury. The editor of the magazine is Mr. Lawrence E. Spivak.

Mr. CONNALLY. Mr. President, reserving the right to object, what was the reference to Secretary Acheson?

Mr. MALONE. Mr. President, in reply to the Senator from Texas, I asked unanimous consent to have printed in the Appendix of the RECORD an article entitled "The Impeccable Mr. Acheson," written by Fred Rodell, and published in the American Mercury magazine.

Mr. CONNALLY. For the moment, Mr. President, I object.

Mr. MALONE. Very well, I shall read it later.

Mr. CONNALLY. I should like to read the article before I pass on it.

#### FLOOD CONTROL AND RIVERS AND HARBORS

The Senate resumed the consideration of the bill (H. R. 5472) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

The VICE PRESIDENT. The question is on the amendment offered by the junior Senator from Illinois [Mr. DOUGLAS] to the amendment offered by the Senator from Wyoming [Mr. O'MAHONEY] for the Committee on Interior and Insular Affairs, to House bill 5472.

Mr. FLANDERS obtained the floor.

Mr. LUCAS. Mr. President, will the Senator yield before he proceeds with his speech? I should like to make one or two observations on the pending bill.

Mr. FLANDERS. I yield to the Senator from Illinois.

Mr. LUCAS. I should like to find out from the Senators who are in charge of House bill 5472 how much time they think it will take to finish consideration of the bill and all the amendments which have been offered thereto. I should like to make an announcement regarding it, because we shall have to finish consideration of the bill this week, even if we have to hold night sessions and a Saturday session.

Mr. TAYLOR. Mr. President, I do not see the Senator from Wyoming [Mr. O'MAHONEY] on the floor, and I do not presume to speak for him. However, I understand that several Senators intend to make addresses on the subject. I should like to make a brief address myself, and I believe the Senator from Oregon [Mr. CORDON] intends to make some extended remarks on the bill. That is the best information I can give the Senator from Illinois.

Mr. LUCAS. I should like to ask the distinguished Senator from New Mexico [Mr. CHAVEZ] if he has made any progress with respect to the amendment which has been offered by the Senator from Wyoming.

Mr. CHAVEZ. I have heard only indirectly as to the negotiations which are going on. I can tell the Senator from Illinois that it is our hope to be able to work out with the Senator from Washington some solution of the problem which the amendment presents.

Mr. LUCAS. I thank the Senator from New Mexico, and I am glad to hear that. I hope that we can reach some agreement on the amendment, and I sincerely hope that we may be able to finish consideration of the bill perhaps today. I wonder whether we can enter into a unanimous-consent agreement providing for a vote on the bill and all amendments by 5 or 6 o'clock this evening.

Mr. CHAVEZ. I had the same thought in mind day before yesterday, when I made my suggestion to the Senator from Illinois. However, until we know exactly what we can do with the proponent of the amendment, the Senator from Wyoming [Mr. O'MAHONEY], I am not at liberty to say, because if we cannot reach an agreement it is our purpose to show this body how detrimental to sound legislative processes the amendment offered by the Senator from Wyoming is and what it means in the way of stopping completely a flood-control bill for this year, notwithstanding what has already been approved by the Senate. It is our purpose to give information directly to the Senate of the United States and legislate on the basis of that information, not by listening to what some department may probably have in mind, no matter how laudable or ambitious such suggestions may be.

Mr. LUCAS. I am not particularly interested in what a department may say about the bill. The only thing I am interested in is in trying to ascertain from Senators how long they think it may take to conclude the consideration of the bill, because other Senators have asked me about it. I believe I should notify the Senate now that unless we can conclude consideration of the bill today we shall sit tomorrow until we finish its consideration, even though it involves holding a night session.

Mr. CHAVEZ. Let me say to the Senator from Illinois that I want to get through with the bill as soon as possible. The committee devoted many days to hearings on it. The committee reported a bill which increased the House-approved items by a substantial number of millions of dollars. In the bill as it is now before the Senate are included projects for every State of the Union. There is not one Senator who does not have an interest in the outcome of the bill. After the bill was reported to the Senate, and during the interim of the recess between the sessions, other matters came up, so that there are now probably 40 percent more amendments than the bill originally contained. We think that is unsound procedure. We think these matters should not come up that way. An attempt is now being made to change the basic law as to the Reclamation Bureau, and to change the basic law as to the financing of reclamation projects. Every project which has been adopted by the Senate and the House will be in jeopardy unless we defeat the many amendments which have been proposed. Unless they are rejected, I assure the Senate we are not going to have an omnibus flood-control bill passed at this session.







[PUBLIC LAW 478—81ST CONGRESS]

[CHAPTER 97—2D SESSION]

[H. R. 5839]

AN ACT

To facilitate and simplify the work of the Forest Service, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That, notwithstanding the provisions of existing law and without regard to section 355, Revised Statutes, as amended (40 U. S. C. 255), but within the limitations of cost otherwise applicable, appropriations of the Forest Service may be expended for the erection of buildings, lookout towers, and other structures on land owned by States, counties, municipalities, or other political subdivisions, corporations, or individuals: *Provided*, That prior to such erection there is obtained the right to use the land for the estimated life of or need for the structure, including the right to remove any such structure within a reasonable time after the termination of the right to use the land.

SEC. 2. That so much of the Act of June 30, 1914 (38 Stat. 415, 429, 16 U. S. C. 504), as provides: "That hereafter the Secretary of Agriculture may procure such seed, cones, and nursery stock by open purchase, without advertisements for proposals, whenever in his discretion such method is most economical and in the public interest and when the cost thereof will not exceed \$500:", is hereby amended to read as follows: "That the provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to any purchase by the Forest Service of forest-tree seed or cones or of forage plant seed when the amount involved does not exceed \$10,000, nor to any purchase of forest-tree nursery stock when the amount involved does not exceed \$500, whenever, in the discretion of the Secretary of Agriculture, such method is in the public interest."

SEC. 3. The provisions of section 3709, Revised Statutes (41 U. S. C. 5), shall not apply to purchases by the Forest Service of (1) materials to be tested or upon which experiments are to be made or (2) special devices, test models, or parts thereof, to be used (a) for experimentation to determine their suitability for or adaptability to accomplishment of the work for which designed or (b) in the designing or developing of new equipment: *Provided*, That not to exceed \$50,000 may be expended in any one fiscal year pursuant to this authority and not to exceed \$10,000 on any one item or purchase.

SEC. 4. That section 205 of the Department of Agriculture Organic Act of 1944, approved September 21, 1944 (58 Stat. 736, 16 U. S. C. 579a), is hereby amended to read as follows:

"SEC. 205. The Forest Service by contract or otherwise may provide for procurement and operation of aerial facilities and services for the protection and management of the national forests, with authority to renew any contract for such purpose annually, not more than twice, without additional advertising."



SEC. 5. That section 1 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 572), is hereby amended to read as follows:

"SEC. 1. (a) The Secretary of Agriculture is authorized, where the public interest justifies, to cooperate with or assist public and private agencies, organizations, institutions, and persons in performing work on land in State, county, municipal, or private ownership, situated within or near a national forest, for which the administering agency, owner, or other interested party deposits in one or more payments a sufficient sum to cover the total estimated cost of the work to be done for the benefit of the depositor, for administration, protection, improvement, reforestation, and such other kinds of work as the Forest Service is authorized to do on lands of the United States: *Provided*, That the United States shall not be liable to the depositor or landowner for any damage incident to the performance of such work.

"(b) Cooperation and assistance on the same basis as that authorized in subsection (a) is authorized also in the performance of any such kinds of work in connection with the occupancy or use of the national forests or other lands administered by the Forest Service.

"(c) Moneys deposited under this section shall be covered into the Treasury and shall constitute a special fund, which is hereby made available until expended for payment of the cost of work performed by the Forest Service and for refunds to depositors of amounts deposited by them in excess of their share of said cost: *Provided*, That when deposits are received for a number of similar types of work on adjacent or overlapping areas, or on areas which in the aggregate are determined to cover a single work unit, they may be expended on such combined areas for the purposes for which deposited, in which event refunds to the depositors of the total amount of the excess deposits involved will be made on a proportionate basis: *Provided further*, That when so provided by written agreement payment for work undertaken pursuant to this section may be made from any Forest Service appropriation available for similar types of work, and reimbursement received from said agencies, organizations, institutions, or persons covering their proportionate share of the cost and the funds received as reimbursement shall be deposited to the credit of the Forest Service appropriation from which initially paid or to appropriations for similar purposes currently available at the time of deposit: *Provided further*, That when by the terms of a written agreement either party thereto furnishes materials, supplies, equipment, or services for fire emergencies in excess of its proportionate share, adjustment may be made by reimbursement or by replacement in kind of supplies, materials, and equipment consumed or destroyed in excess of the furnishing party's proportionate share."

SEC. 6. That so much of the Act of August 11, 1916 (39 Stat. 446, 462; 16 U. S. C. 490), as provides: "That hereafter deposits may be received from timber purchasers in such sums as the Secretary of Agriculture may require to cover the cost to the United States of disposing of brush and other debris resulting from cutting operations in sales of national-forest timber; such deposits shall be covered into the Treasury and shall constitute a special fund, which is hereby appropriated and made available until expended, as the Secretary of Agriculture may direct, to pay the cost of such work and to make

refunds to the depositors of amounts deposited by them in excess of such cost.", is hereby amended to read as follows: "Purchasers of national-forest timber may be required by the Secretary of Agriculture to deposit the estimated cost to the United States of disposing of brush and other debris resulting from their cutting operations, such deposits to be covered into the Treasury and constitute a special fund, which is hereby appropriated and shall remain available until expended: *Provided*, That any deposits in excess of the amount expended for disposals shall be transferred to miscellaneous receipts, forest-reserve fund, to be credited to the receipts of the year in which such transfer is made."

SEC. 7. The Secretary of Agriculture, under such regulations as he may prescribe and at rates and for periods not exceeding thirty years as determined by him, is hereby authorized to permit the use by public and private agencies, corporations, firms, associations, or individuals, of structures or improvements under the administrative control of the Forest Service and land used in connection therewith: *Provided*, That as all or a part of the consideration for permits issued under this section, the Secretary may require the permittees at their expense to recondition and maintain the structures and land to a satisfactory standard.

SEC. 8. The Secretary of Agriculture is authorized to furnish persons attending Forest Service demonstrations, and users of national forest resources and recreational facilities, with meals, lodging, bedding, fuel, and other services, where such facilities are not otherwise available, at rates approximating but not less than the actual or estimated cost thereof and to deposit all moneys received therefor to the credit of the appropriation from which the cost thereof is paid, or a similar appropriation current at the time the moneys are received: *Provided*, That such receipts obtained in excess of \$10,000 in any one fiscal year shall be deposited in the Treasury as miscellaneous receipts.

SEC. 9. The Secretary of Agriculture is authorized, subject to such conditions as he may prescribe, to sell forest-tree seed and nursery stock to States and political subdivisions thereof and to public agencies of other countries, at rates not less than the actual or estimated cost to the United States of procuring or producing such seed or nursery stock, moneys received from the sale thereof to be credited to the appropriation or appropriations of the Forest Service currently available for the procurement or production of seed or nursery stock at the time such moneys are deposited: *Provided*, That the Secretary of Agriculture may exchange with such public agencies forest-tree seed and nursery stock for forest-tree seed or nursery stock of the same or different species upon a determination that such exchange is in the interest of the United States and that the value of the property given in exchange does not exceed the value of the property received: *Provided further*, That no nursery stock shall be sold or exchanged under this section as ornamental or other stock for landscape planting of the types commonly grown by established commercial nurserymen.

SEC. 10. Notwithstanding the provisions of section 7 of the Act of August 23, 1912, as amended (31 U. S. C. 679), appropriations for the protection and management of the national forests shall be available to pay for telephone service installed in residences of seasonal

employees and of persons cooperating with the Forest Service who reside within or near the national forests when such installation is determined by the Secretary of Agriculture to be needed in protecting the national forests: *Provided*, That in addition to the monthly local service charge the Government may pay only such tolls or other charges as are required strictly for the public business.

SEC. 11. Whenever such action is deemed to be in the public interest, the Secretary of Agriculture is authorized to pay from any appropriation available for the protection and management of the national forests all or any part of the cost of leasing, seeding, and protective fencing of public range land (other than national forest land) and privately owned land intermingled with or adjacent to national forest or other land administered by the Forest Service, if the use of the land to be seeded is controlled by the Forest Service under a lease or agreement which in the judgment of the Chief of the Forest Service gives the Forest Service control over the land for a sufficient period to justify such expenditures: *Provided*, That payment may not be made under authority of this section for the seeding of more than one thousand acres in any one private ownership: *Provided further*, That payment may not be made under authority of this section for the seeding of more than twenty-five thousand acres in any one fiscal year: *Provided further*, That the period of any lease under this authority may not exceed twenty years.

SEC. 12. Of the moneys received from grazing fees by the Treasury from each national forest during each fiscal year there shall be available at the end thereof when appropriated by Congress an amount equivalent to 2 cents per animal-month for sheep and goats and 10 cents per animal-month for other kinds of livestock under permit on such national forest during the calendar year in which the fiscal year begins, which appropriated amount shall be available until expended on such national forest, under such regulations as the Secretary of Agriculture may prescribe, for (1) artificial revegetation, including the collection or purchase of necessary seed; (2) construction and maintenance of drift or division fences and stock-watering places, bridges, corrals, driveways, or other necessary range improvements; (3) control of range-destroying rodents; or (4) eradication of poisonous plants and noxious weeds, in order to protect or improve the future productivity of the range.

SEC. 13. That section 5 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 555), is hereby amended to read as follows:

"Where no suitable Government land is available for national forest headquarters, ranger stations, dwellings, or for other sites required for the effective conduct of the authorized activities of the Forest Service, the Secretary of Agriculture is hereby authorized to purchase such lands out of the appropriation applicable to the purpose for which the land is to be used, and to accept donations of land for any national forest or experimental purpose: *Provided*, That such lands may be acquired subject to such reservations and outstanding interests as the Secretary determines will not interfere with the purpose for which acquired: *Provided further*, That not to exceed \$25,000 may be expended in any one fiscal year pursuant to this authority."

SEC. 14. There are hereby authorized to be appropriated—

(a) such sums as may be necessary for the acquisition of par-



cels of land and interests in land in Sanders County, Montana, needed by the Forest Service to provide winter range for its saddle, pack, and draft animals;

(b) not to exceed \$50,000 for the acquisition of additional land adjacent to the present site of the Forest Products Laboratory at Madison, Wisconsin; and

(c) not to exceed \$25,000 for the acquisition of one helicopter landing site in southern California.

Land acquired under this section may be subject to such reservations and outstanding interests as the Secretary of Agriculture determines will not interfere with the purpose for which acquired.

SEC. 15. That section 6 of the Act of March 3, 1925 (43 Stat. 1133; 16 U. S. C. 557), is hereby amended by substituting a colon for the period at the end thereof and adding the following: "*Provided, That* when a transient without permanent residence, or any other person while away from his place of residence, is temporarily employed by the Forest Service and while so employed becomes disabled because of injury or illness not attributable to official work, he may be provided hospitalization and other necessary medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from any funds available to the Forest Service applicable to the work for which such person is employed."

SEC. 16. Appropriations of the Forest Service chargeable with salaries and wages shall be available for payment to temporary employees of the Forest Service for loss of time due to injury in official work at rates not in excess of those provided by the United States Employees' Compensation Act, as amended (5 U. S. C., 751 and the following), when the injured person is in need of immediate financial assistance to avoid hardship: *Provided, That* such payment shall not be made for a period in excess of fifteen days and the United States Employees' Compensation Commission shall be notified promptly of the amount so paid, which amount shall be deducted from the amount, if any, otherwise payable by the United States Employees' Compensation Commission to the employee on account of the injury, the amount so deducted by the Commission to be paid to the Forest Service for deposit to the credit of the Forest Service appropriation from which the expenditure was made: *Provided further, That* when any person assisting in the suppression of forest fires or in other emergency work under the direction of the Forest Service, without compensation from the United States, pursuant to the terms of a contract, agreement, or permit, is injured in such work, the Forest Service may furnish hospitalization and other medical care, subsistence, and lodging for a period of not to exceed fifteen days during such disability, the cost thereof to be payable from the appropriation applicable to the work upon which the injury occurred, except that this proviso shall not apply when such person is within the purview of a State or other compensation Act: *Provided further, That* determination by the Forest Service that payment is allowable under this section shall be final as to payments made hereunder, but such determination or payments with respect to employees shall not prevent the United States Employees' Compensation Commission from denying further payments should the Commission determine that

compensation is not properly allowable under the provisions of the Employees' Compensation Act.

SEC. 17. (a) Section 2 of the Act of March 3, 1925 (43 Stat. 1132; 16 U. S. C. 571); the second proviso in section 1 of the Act of May 22, 1928 (45 Stat. 699; 16 U. S. C. 581); and section 1 of the Act of May 27, 1930 (46 Stat. 387; 16 U. S. C. 573), are hereby repealed.

(b) The second proviso in section 13 of the Act of March 1, 1911 (36 Stat. 961, 963), is hereby repealed.

SEC. 18. (a) (1) To provide national forest grazing permittees means for the expression of their recommendations concerning the management and administration of national forest grazing lands, a local advisory board shall be constituted and elected as hereinafter provided for each national forest or administrative subdivision thereof whenever a majority of the grazing permittees of such national forest or administrative subdivision so petitions the Secretary of Agriculture. Each elected local advisory board existing for such purpose at the time of the enactment of this Act, and recognized as such by the Department of Agriculture, shall continue to be the local advisory board for the unit or area it represents, until replaced by a local advisory board or boards constituted and elected as hereinafter provided.

(2) Each such local advisory board shall be constituted and elected under rules and regulations, consistent herewith, now or hereafter approved by the Secretary of Agriculture, and shall be recognized by him as representing the grazing permittees of the national forest or administrative subdivision thereof for which such local advisory board has been constituted and elected.

(3) Each such local advisory board shall consist of not less than three nor more than twelve members, who shall be national forest grazing permittees in the area for which such board is constituted, elected, and recognized. In addition, a wildlife representative may be appointed as a member of each such board by the State game commission, or the corresponding public body of the State in which the advisory board is located, to advise on wildlife problems.

(4) Each such local advisory board shall meet at least once annually, at a time to be fixed by such board, and at such other time or times as its members may determine, or on the call of the chairman thereof or of the Secretary of Agriculture or his authorized representative.

(b) Upon the request of any party affected thereby, the Secretary of Agriculture, or his duly authorized representative, shall refer to the appropriate local advisory board for its advice and recommendations any matter pertaining to (1) the modification of the terms, or the denial of a renewal of, or a reduction in, a grazing permit, or (2) the establishment or modification of an individual or community allotment. In the event the Secretary of Agriculture, or his duly authorized representative, shall overrule, disregard, or modify any such recommendations, he, or such representative, shall furnish in writing to the local advisory board his reasons for such action.

(c) (1) At least thirty days prior to the issuance by the Secretary of Agriculture of any regulation under this Act or otherwise, with respect to the administration of grazing on national forest lands, or of amendments or additions to, or modifications in, any such regula-

tion, which in his judgment would substantially modify existing policy with respect to grazing in national forests, or which would materially affect preferences of permittees in the area involved, the local advisory board for each area that will be affected thereby shall be notified of the intention to take such action. If as a result of this notice the Secretary of Agriculture shall receive any recommendation respecting the issuance of the proposed regulation and shall overrule, disregard, or modify any such regulations, he or his representative shall furnish in writing to the local advisory board his reasons for such action.

(2) Any such local advisory board may at any time recommend to the Secretary of Agriculture, or his representative, the issuance of regulations or instructions relating to the use of national forest lands, seasons of use, grazing capacity of such lands, and any other matters affecting the administration of grazing in the area represented by such board.

SEC. 19. The Secretary of Agriculture in regulating grazing on the national forests and other lands administered by him in connection therewith is authorized, upon such terms and conditions as he may deem proper, to issue permits for the grazing of livestock for periods not exceeding ten years and renewals thereof: *Provided*, That nothing herein shall be construed as limiting or restricting any right, title, or interest of the United States in any land or resources.

Approved April 24, 1950.



543<sup>51</sup>